

NINETY-SECOND DAY

MONDAY, JUNE 2, 1997

PROCEEDINGS

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

The Reverend John R. Pitts, Senate Chaplain, offered the invocation as follows:

Lord, we thank You for this commencement: a time for endings and yet a time for beginnings, a time for saying good-byes and yet a time for saying hellos. This is a time for each of us in this chamber to reflect both to the past and to the present and future and to reflect that what has occurred during the past 139 days could not have been done without Your help and the help of those surrounding us today. This is a time for thank-yous.

Lord, each of us in this chamber raises our thanksgiving today for ourselves and for all Texans for the ministry and leadership of Bob Bullock as he has lead this Senate during the 75th Legislative Session. Bob Bullock, a man of all seasons, the right man at the right time at the right place. Thank You, Lord, for this man, Your man.

Lord, on behalf of all Texans, I thank You for the 31 Senators who have come together to work together to do what is right for the people of Texas. Guide each of them, Lord, as they continue to do Your work today and into the future as leaders of this state.

Lord, we give thanks for Betty King, Walter Fisher, and the staffs of each office that make up this 75th Session in the Texas Senate. Not worrying who would get the credit has allowed Betty, Walter, and these staffs to be of assistance as history again has been made in this chamber.

Lord, we give thanks for the families of all who work in this place. These families have sacrificed much so the work of Texans could be accomplished during this session. Lord, we ask that You refresh and renew relationships during these coming days and allow each of us to reset our priorities back to our families.

Lord, You have given each of us an honor, an honor to serve the people of Texas. We thank You for this privilege and this sacred trust.

Lord, continue to bless us. And, God bless Texas. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

SENATE RESOLUTION 1008
(Caucus Report)

Senator Truan offered the following resolution:

BE IT RESOLVED BY THE SENATE OF THE STATE OF TEXAS:

SECTION 1. CAUCUS REPORT. At a caucus held on June 2, 1997, and attended by 31 members of the senate, the caucus made the recommendations for the operation of the senate contained in this resolution.

SECTION 2. EMPLOYEES. (a) The lieutenant governor may employ the employees necessary for the operation of the office of the lieutenant governor from the closing of this session and until the convening of the next session. The lieutenant governor and the secretary of the senate shall be furnished postage, telegraph, telephone, express, and all other expenses incident to their respective offices.

(b) The secretary of the senate shall be retained during the interval between adjournment of this session and the convening of the next session of the legislature. The secretary of the senate may employ the employees necessary for the operation of the senate and to perform duties as may be required in connection with the business of the state from the closing of this session and until the convening of the next session.

(c) Each senator may employ secretarial and other office staff for the senator's office.

(d) The chairman of the administration committee is authorized to retain a sufficient number of staff employees to conclude the work of the enrolling clerk, calendar clerk, journal clerk, and sergeant-at-arms. The administration committee shall establish the salaries for the senate staff.

SECTION 3. SENATE OFFICERS. (a) The following elected officers of the 75th Legislature shall serve for the interval between adjournment of this session and the convening of the next session of the legislature:

- (1) Calendar Clerk—Pat Rodgers
- (2) Doorkeeper—Don Long
- (3) Enrolling Clerk—Patsy Spaw
- (4) Journal Clerk—Dianne Arrington
- (5) Sergeant-at-Arms—Carleton Turner

(b) All employees and elected officers of the senate shall operate under the direct supervision of the secretary of the senate during the interim.

(c) Officers named in this section serve at the will of the senate.

SECTION 4. DUTIES OF CHAIRMAN OF ADMINISTRATION COMMITTEE. (a) The chairman of the administration committee shall place the senate chamber in order and purchase supplies and make all necessary repairs and improvements between the adjournment of this session and the convening of the next session of the legislature.

(b) The chairman shall make an inventory of all furniture and fixtures in the senate chamber and in the private offices of the members, as well as of the supplies and equipment on hand in the purchasing and supply department and shall close the books for the Regular Session of the 75th Legislature.

(c) The chairman shall not acquire any equipment on a rental/purchase plan unless the equipment is placed on the senate inventory at the termination of the plan.

(d) The chairman shall examine records and accounts payable out of the contingent expense fund as necessary to approve all claims and accounts against the senate, and no claim or account shall be paid without the consent and approval of the chairman.

(e) The chairman and any member of the administration committee shall be entitled to receive actual and necessary expenses incurred during the interim.

(f) In addition to the duties of the Administration Committee expressly imposed by this resolution, the committee shall take actions necessary to ensure that the administrative operations of the Senate comply with applicable law and are conducted effectively and efficiently.

SECTION 5. JOURNAL. (a) The secretary of the senate shall have 325 volumes of the Senate Journal of the Regular Session of the 75th Legislature printed. Two hundred and fifty copies shall be bound in buckram and delivered to the secretary of the senate who shall forward one volume to each member of the senate, the lieutenant governor, and each member of the house of representatives on request.

(b) The printing of the journals shall be done in accordance with the provisions of this resolution under the supervision of the chairman of the administration committee. The chairman shall refuse to receive or receipt for the journals until corrected and published in accordance with the preexisting law as finally approved by the chairman of the administration committee. When the accounts have been certified by the chairman of the administration committee, the accounts shall be paid out of the contingent expense fund of the 75th Legislature.

SECTION 6. PAYMENT OF SALARIES AND EXPENSES. (a) Salaries and expenses authorized by this resolution shall be paid out of the per diem and contingent expense fund of the 75th Legislature as provided by this section.

(b) The senate shall request the comptroller of public accounts to issue general revenue warrants for:

(1) payment of the employees of the lieutenant governor's office, the lieutenant governor, members of the senate, employees of the senate committees, and employees of the senate, except as provided in Section 301.030, Government Code, upon presentation of the payroll account signed by the chairman of the administration committee and the secretary of the senate; and

(2) the payment of materials, supplies, and expenses of the senate, including travel expenses for members and employees, upon vouchers signed by the chairman of the administration committee and the secretary of the senate.

SECTION 7. EXPENSE REIMBURSEMENT AND PER DIEM. (a) In furtherance of the legislative duties and responsibilities of the senate, the administration committee shall charge to the individual member's office budget:

(1) the reimbursement of all actual expenses incurred by the members when traveling in performance of legislative duties and responsibilities or incident to those duties; and

(2) the payment of all other reasonable and necessary expenses for the operation of the office of the individual senator during any period the legislature is not in session. Expenditures for these services by the administration committee are authorized as an expense of the senate and shall not be restricted to Austin but may be incurred in individual senatorial districts. Such expenses shall be paid from funds appropriated for the use of the senate on vouchers approved by the chairman of the administration committee and the secretary of the senate in accordance with regulations governing such expenditures.

(b) Each senator shall be permitted to employ secretarial and other office staff and for intrastate travel expenses for staff employees a payroll of \$25,000 per month. Any unexpended portion of this amount may be carried forward from month to month until the end of the fiscal year. Other expenses, including travel expenses or other reasonable and necessary expenses incurred in the furtherance and performance of legislative duties or in operation of the member's office or incident thereto, shall be provided in addition to the maximum salary authorized.

(c) The secretary of the senate may order reimbursement for legislative expenses consistent with this resolution and the establishment by the Texas Ethics Commission of per diem rates.

(d) Any member of the senate and the lieutenant governor are eligible to receive such reimbursement on application of the member or the lieutenant governor to the secretary of the senate.

(e) On the application of a member of the senate or the lieutenant governor, the applicant shall be entitled to reimbursement for legislative expenses for each legislative day.

(f) For purposes of this section, a legislative day includes each day of a regular or special session of the legislature, including any day the legislature is not in session for a period of four consecutive days or less, and all days the legislature is not in session if the senator or lieutenant governor attends a meeting of a joint, special, or legislative committee as evidenced by the official record of the body, and each day, limited to 10 days per month, the senator or the lieutenant governor, including those living within a 50-mile radius, is otherwise engaged in legislative business in Travis County as evidenced by claims submitted to the chairman of the administration committee.

SECTION 8. MEMBER'S EMPLOYEE LEAVE POLICY. (a) An employee of a senator accrues vacation leave, compensatory leave, or sick leave in accordance with policies adopted by the senator consistent with the requirements of this section.

(b) An employee may accrue vacation leave, compensatory leave, or sick leave only if the employee files a monthly time record with the senate human resources office. Time records are due not later than the 10th day of the following month.

(c) Compensatory time must be used not later than the last day of the 12th month following the month in which the time was accrued.

(d) An employee is not entitled to compensation for accrued but unused compensatory time.

SECTION 9. DESIGNATION FOR ATTENDANCE AT MEETINGS AND FUNCTIONS. (a) The lieutenant governor may appoint any member of the senate, the secretary of the senate, or any other senate employee to attend meetings of the National Conference of State Legislatures and other similar meetings. Necessary and actual expenses are authorized upon the approval of the chairman of the administration committee and the secretary of the senate.

(b) The lieutenant governor may designate a member of the senate to represent the senate at ceremonies and ceremonial functions. The necessary expenses of the senator and necessary staff for this purpose shall be paid pursuant to a budget approved by the administration committee.

SECTION 10. MEETINGS DURING INTERIM. (a) Each of the standing committees and subcommittees of the senate of the 75th Legislature may continue to meet at such times and places during the interim as determined by such committees and subcommittees and to hold hearings, recommend legislation, and perform research on matters directed either by resolution, the lieutenant governor, or as determined by majority vote of each committee.

(b) Each continuing committee and subcommittee shall continue to function under the rules adopted during the legislative session where applicable.

(c) Expenses for the operation of these committees and subcommittees shall be paid pursuant to a budget prepared by each committee and approved by the administration committee.

(d) The operating expenses of these committees shall be paid from the contingent expense fund of the senate, and committee members shall be reimbursed for their actual expenses incurred in carrying out the duties of the committees.

SECTION 11. SENATE OFFICES. Members not returning for the 76th Legislature shall vacate their senate offices by December 15, 1998.

SECTION 12. FURNISHING OF INFORMATION BY SENATE EMPLOYEE. An employee of the senate may not furnish any information to any person, firm, or corporation other than general information pertaining to the senate and routinely furnished to the public.

SECTION 13. OUTSIDE EMPLOYMENT. An employee of the senate may not be employed by and receive compensation from any other person, firm, or corporation during the employee's senate employment without the permission of the employee's Senate employer.

SECTION 14. REMOVAL OF SENATE PROPERTY. The secretary of the senate is specifically directed not to permit the removal of any of the property of the senate from the senate chamber or the rooms of the senate except as authorized by the chairman of the administration committee.

The resolution was read and was adopted by a viva voce vote.

CAPITOL PHYSICIAN

Senator Harris was recognized and presented Dr. John Roland of Arlington as the "Doctor for the Day."

The Senate welcomed Dr. Roland and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

SENATE RESOLUTION 947

Senator Armbrister offered the following resolution:

WHEREAS, The Texas Legislature created the Sunset Advisory Commission in 1977, and, during the intervening 20 years, the Sunset Commission has reviewed more than 250 state agencies; and

WHEREAS, The resulting legislative action has improved the operation of state government through the elimination of unnecessary agencies, increased efficiency of those continued, and a 50-to-1 return on the state dollars used to fund the sunset process; and

WHEREAS, During the current review period, under the able leadership of Representative Gray and Senator Armbrister, the Sunset Commission has continued its tradition of excellence in state government by providing the legislature with more than 100 recommendations to improve state government; and

WHEREAS, The Sunset Commission has a small, dedicated staff that spent countless hours traveling and researching, analyzing, and preparing reports providing recommendations for consideration; and

WHEREAS, This staff of dedicated employees under the direction of Joey Longley includes: Dawn Brinkman, Katherine Closmann, Colin Coe, Lisa Conley, Larry Graham, John Hawkins, Steve Hopson, John Hubbard, Barbara Hunley, Mike Johnson, Jennifer Jones, Charla Ann King, Susan Kinney, Ken Levine, Zoe Messinger, Rachelle Sanchez, Jay Schmidt, Joe Walraven, and Cindy Womack; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby extend to the Sunset Commission and its staff this expression of gratitude for a job well done in assisting the legislature in its efforts to improve the efficiency and quality of state government; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the Sunset Advisory Commission as an expression of highest regard from the Texas Senate.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Armbrister, the resolution was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Armbrister was recognized and introduced to the Senate the Texas Sunset Advisory Committee: Executive Director Joey Longley, Assistant Director Ken Levine, Joe Walraven, Charla Ann King, and staff members.

The Senate welcomed its guests.

SENATE CONCURRENT RESOLUTION 87

Senator Barrientos offered the following resolution:

WHEREAS, The Legislature of the State of Texas is especially proud to honor the O. Henry Museum in Austin for providing cultural and educational programs for the citizens of Texas; and

WHEREAS, The O. Henry Museum sponsors "Opportunity-For-Youth Writing Clubs," an excellent educational program for inner-city youth, to stimulate creativity in writing for aspiring young students, over 2,500 of whom have benefitted from these workshops; these writing clubs offer the talents of many accomplished and published authors as teachers to students who learn a variety of literary styles including poetry, biography, scriptwriting, and playwriting as well as cartoon drawing; and

WHEREAS, In recognition of its outstanding achievement and its commitment to education in providing the O. Henry Opportunity-For-Youth Writing Clubs, the O. Henry Museum received a Texas Historical Commission Museum Award; the museum was also recognized with the National Dorothy Mullen Arts and Humanities Award from the National Recreation and Park Association and, in addition, has received three graphic arts awards for excellence in publication design: The Sheila Y. Fox Award from the Texas Arts Council and two Mitchell A. Wilder Awards from the Texas Association of Museums; and

WHEREAS, The O. Henry Museum World Championship Pun-Off will celebrate its 20th anniversary in 1997 as the museum's oldest event; it is held on the first Sunday of May each year and has grown (or groan) to host an audience of 2,000 attendees and participants, gaining national and international recognition; it was featured on ABC's *World News Tonight* in 1993 and also in *National Geographic Traveler* and *Chase's Calendar of National Events*, as well as other magazines and newspapers and is often broadcast on national and international radio; and

WHEREAS, The Pun-Off, sponsored by the Friends of the O. Henry Museum (Muse-M) and the City of Austin Parks and Recreation Department, and cosponsored by P.U.N.Y. (Punsters United Nearly Yearly), starts at noon on May 4, 1997, with music by Bill Rowan and the High Rollers; and

WHEREAS, The museum is housed in the Victorian home of William Sidney Porter, a turn-of-the-century writer of short stories that have become American classics; known by his pen name, O. Henry, Mr. Porter lived in Austin from 1885 to 1895 and worked as a draftsman at the Old General Land

Office; he married an Austin girl, Athol Estes, and the young couple lived in the small cottage with their children; and

WHEREAS, Listed on the National Register of Historic Places, the house escaped demolition in 1934 and was moved to Brush Square, where it opened as the O. Henry Museum; operated under the City of Austin Parks and Recreation Department, the museum houses nearly 800 artifacts of which one-third are directly related to O. Henry; and

WHEREAS, While living in the house, William Sidney Porter published a weekly newspaper, the *Rolling Stone*, which featured short stories depicting life in Austin during the late 1800s; an original publication of the newspaper, first editions of O. Henry books, family photographs, original documents, textiles, and other family memorabilia are among the museum's collections; now, therefore, be it

RESOLVED, That the 75th Legislature of the State of Texas hereby commend the O. Henry Museum for its Opportunity-For-Youth Writing Clubs for Austin's inner-city youth and congratulate it on its 20th Annual World Championship Pun-Off; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the museum as an expression of highest esteem from the Texas Legislature.

The resolution was again read.

The resolution was previously adopted on Friday, May 9, 1997. The names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

(Senator Truan in Chair)

GUESTS PRESENTED

Senator Barrientos was recognized and introduced to the Senate members of the Board of Directors of the O. Henry Museum Saxon Fox, Mike Cox, and George Shelley.

The Senate welcomed its guests.

SENATE RESOLUTION 1002

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to recognize Paul Cowen, who was presented with the Director's Award from the Texas Department of Public Safety on March 19, 1997; and

WHEREAS, Mr. Cowen was honored for the heroic and courageous actions he took when he came upon the scene of a two-vehicle collision; and

WHEREAS, The Director's Award is presented to a private citizen giving significant assistance in aiding an employee of the Texas Department of Public Safety in the performance of his or her duties; and

WHEREAS, On December 14, 1995, a collision occurred between two pickup trucks; the driver of the second truck, Roman Manriquez, struck the first vehicle, which was parked on the road shoulder because it had a flat tire; the collision was severe enough that Mr. Manriquez was trapped in his vehicle

when the entire cab of his truck was crumpled, and he was pinned under the dash and steering wheel; and

WHEREAS, The accident apparently ruptured fuel lines and a fire was in progress; several people had stopped to render aid; among these were Paul Cowen, as well as an off-duty state trooper, and the chief of the Weslaco Police Department; and

WHEREAS, Mr. Cowen observed the fire and rushed to aid the trapped man; Paul tried to force open the door and burned himself; in the interim, he spoke reassuringly to Mr. Manriquez to tell him that help was coming; and

WHEREAS, An elderly man in a third pickup truck arrived at the scene with a chain, and everyone there used the chain to remove the smashed door from the wrecked truck; a second attempt was needed to remove the steering column, and this was accomplished; the victim, who had sustained severe burns, was released and transferred to a Harlingen Aircare helicopter, which took Mr. Manriquez to the hospital; and

WHEREAS, The actions of Paul Cowen exhibited heroism in the highest degree; he showed exceptional leadership and initiative in coordinating the rescue efforts, remained calm, and directed others to ensure that the rescue was completed; such valor is certainly worthy of legislative recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby commend Paul Cowen for his exemplary actions in providing prompt and appropriate help in an emergency situation and congratulate him on receiving the Director's Award; and, be it further

RESOLVED, That a copy of this Resolution be prepared for this distinguished citizen as an expression of the gratitude of the Texas Senate.

The resolution was read.

On motion of Senator Brown and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Lucio, the resolution was adopted by a viva voce vote.

GUEST PRESENTED

Senator Lucio was recognized and introduced to the Senate Paul Cowen.

The Senate welcomed Mr. Cowen.

(President in Chair)

BILLS AND RESOLUTION SIGNED

The President announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

SB 20, SB 51, SB 148, SB 149, SB 190, SB 206, SB 299, SB 353, SB 576, SB 861, SB 1107, SB 1310, SB 1355, SB 1437, SB 1674, SB 1865, SB 1876, SCR 94

**ELECTION OF PRESIDENT PRO TEMPORE AD INTERIM
SEVENTY-FIFTH LEGISLATURE**

The President announced the time had arrived for the election of the President Pro Tempore Ad Interim as the next order of business.

Senator Bivins nominated Senator Bill Ratliff of Mount Pleasant as President Pro Tempore Ad Interim of the 75th Legislature.

On motion of Senator Truan and by unanimous consent, Senator Bivin's nominating speech was reduced to writing as follows:

Senator Bivins: Thank you, Mr. President and Members. I rise today to place in nomination for the office of President Pro Tempore of the Texas Senate my classmate, my friend, a great leader, State Senator Bill Ratliff. Members, today is a special day for Bill and a special day for me. In recognition of the specialness of that day, I want to recognize some of his family members that are here with us today. First and foremost, almost a fixture in the Texas Senate, his wife and my friend Sally Ratliff. Also with us is Mrs. Josh Hargrave, Bess, Bill's daughter; Mr. and Mrs. Bennett Ratliff, Bennett and Becky; Mr. Thomas Ratliff and his wife Stacy; a whole host of grandchildren, Will, Thomas, Maggie, Tyler, Grant, Harrison, and Sara; Mr. and Mrs. Jack Ratliff, Jack, of course, is Bill's brother; another near fixture in this Capitol, Mr. and Mrs. Shannon Ratliff, Bill's brother, Shannon; Mr. and Mrs. Joe Sandlin, brother and sister-in-law; and Tru Sandlin Mann, Sally's sister, Bill's sister-in-law; and then another person, who is not family but the closest thing to it, Vatra Solomon, who is a fixture in this Capitol, that we all know and love. These folks are here because this is a special day. It's a special day in the Texas Senate where we mark the continuation of a long tradition in this body, a body that recognizes the importance of one of our Members and their abilities to lead. In the event, God forbid, Governor Bullock, that something should happen to you, we have to have someone that would step in and be able to take the reins. I am confident, Members, that you agree with me that there is probably no one on the floor of the Senate, now that Senator Zaffirini is going to step aside, that we as a body would look to in an event like that, to seek leadership and that, of course, is Bill Ratliff.

It was June of 1988, on an incredibly humid day in Washington, D.C., where I met Bill Ratliff. He was a man standing in line for a photograph with then-President of the United States Ronald Reagan. At that time I didn't realize that he and I both suffered from the same brain disorder; we had both lost so many brain cells we decided we were qualified to hold public office. Bill Ratliff had never held public office before, nor had I. Bill, a native of West Texas, found himself running for office in Senate District 1 representing the extreme opposite geographic end of the state. Bill Ratliff, a graduate of The University of Texas, clearly has orange blood in his veins but, in his tenure here from the very beginning, has shown his ability to think about all of Texas, all of our higher education institutions, and be fair to everyone. Bill Ratliff has had as many accomplishments in his career in the Texas Senate as any Member. When he was a freshman he passed a bill that, I believe, has become the most powerful economic development tool in the State of Texas.

He offered an amendment to the Texas Business Corporations Act that allowed communities to develop economic development corporations and empowered them to levy a half-cent sales tax to be used for economic development purposes. Members, there are over 330 cities in the State of Texas that have taken advantage of that piece of legislation and, as we all know, economic development is an intensely local job. With the tool given to them by Senator Ratliff, Texas is leading the nation today and attracting new businesses and jobs to this state. He went on in his career and, as Lieutenant Governor Bullock said, it became time for his turn in the barrel when he got to chair the Senate Education Committee at a time which, as I have said on this floor before, it seems now perennially, or at least biennially, we are going to have to debate and wrestle with the issue of public school finance. Unlike this session and last, at that time we were reeling from yet another Supreme Court ruling that found our education funding system unconstitutional. That was Edgewood III. That probably set the bar higher than it's ever been set for this body to achieve an equity level in our education funding system than we've ever seen before. Bill Ratliff, after countless hours and a lot of tortured, heartfelt, heart-searching feeling, came up with a very, very difficult plan, one, however, that provided a higher level of equity than we've ever had in public education. Some referred to the five options in that plan as the five vials of poison from which school districts could drink, but that plan, which was crafted in the William Clements Building, did withstand the final challenge, Edgewood IV. Finally, after every year since Bill Ratliff and I were elected to the Senate, we came to a constitutional plan for public education funding. Then, staying in the barrel, it was his turn to tackle the rewrite of the Texas Education Code, a code that was Byzantine in its complexity, that no one could pick up and read and find all the relevant sections they needed to know to determine what the law in Texas was. In the interim he took his laptop computer and put the whole darn thing on that computer and began the process, without the help of any staff, of rewriting that code. He did this in conjunction with Representative Sadler and the House Senate Joint Committee on Public Education, which met more interim meetings than any interim committee I've ever been a part of, at least once a month every month during that interim. When we came into session in 1995, we had a plan in place, a plan that intensely simplified the code, restored more local control to school districts than they had seen in two to three decades. We adopted for the first time a safe school section of that code so that the children that you and I care so much about could be ensured that they would be in a safe place because if you are not safe you can't learn. He presided over that conference committee, he presided over the conference committee on SB 7, and now he has presided over the conference committee on the appropriations bill. I don't know of any other Member of the Senate that has ever presided over that many significant conference committees.

He's a man that is not without his internal tortures. Bill Ratliff, unfortunately, has a piece of litter on his desk. I'm amazed on this of all days, Senator Ratliff, to see any loose papers on your desk. Senator Ratliff has never had a laptop computer sitting on his desk on the floor of the Senate. There's a certain irony there because he probably uses the laptop more than all

of the Members of the Senate combined. I think it just tortures him too greatly to see that piece of equipment clutter up what could otherwise have been a perfectly neat desk. His staff have also been infected with the neatness virus. I'm told that he never asks a staff member in an interview about neatness, but he asks the question this way, "Does it bother you that I have a compulsion for neatness?" Of course, we all know what the right answer to that interview question is.

I think we can best sum up, or I can best sum up, my feelings about Bill Ratliff and this body's feelings in a story. The best talks are always those that have stories involved. It was about right here on the floor when Senator Royce West came to me and was talking with myself and Senator Sibley about a procedural point over which there was some question. He looked to Bill Ratliff and he said, "Let's consult Obi-Wan." Everybody's a *Star Wars* junkie so we all know who Obi-Wan is. But, in that moment, I think, is reflected the essence of what all the Members of this Senate think about Bill Ratliff. Obi-Wan Kenobi is possessed of all those traits that we all aspire to: wisdom, fairness, patience, vision, loyalty, and courage. Bill Ratliff, you reflect all of those values. You reflect all that is good about the Texas Senate. Your leadership is to be admired and will be for as long in the future as A. M. Aikin's, your predecessor, has been in this body. I am certain of that. Because of all these things and because of my deep and abiding respect for you, my friend and my classmate, I place your name in nomination for President Pro Tempore of the Texas Senate. Thank you, Mr. President.

On motion of Senator Truan and by unanimous consent, the remarks made to second the nomination were reduced to writing as follows:

Senator Zaffirini: Thank you, Mr. President. Mr. President and Members, it is with great pleasure and great pride that I rise to second the nomination of my dear and valued friend Bill Ratliff as President Pro Tempore of the Texas Senate. Mr. President, recently many of us have been talking about the needs and the importance of promoting minorities and women. I am glad to let you know officially that some of my best friends are Anglo males and that is why I feel so proud to second the nomination of my dear friend. This morning the Dean of the Senate told him, today is Senator Zaffirini's last day as President Pro Tempore, Senator Ratliff, you're going to have to fill her shoes. Senator Ratliff, they're only 8AA and they are not high-heeled shoes. You, I know, will have a very easy time filling those shoes. I know that you will have a wonderful time being President Pro Tempore and accepting the responsibilities because he or she who serves in this capacity during the interim has a longer period during which to serve than he or she who serves during the regular session. I know that you will do the duties well and fill the needs of the Lieutenant Governor and the Governor of Texas when they are out of state, or when they are traveling. I know that you will do that well.

What I remember so well about Senator Ratliff, when he first came to the Senate, is visiting his office and the first thing I noticed, Senator Bivins, was how neat it was. More recently I went to his very spacious and very beautiful office on the third floor of this Capitol. The

very first thing I noticed was how neat it was, because this is a man who brings his engineering skills and his precision not only to the environment in which he works but he shares it with all of us. I have served with him on committees since he came to the Texas Senate, on the Education Committee first, on the Finance Committee, and then on the Appropriations Conference Committee. What I have learned about him is his deep and abiding work ethic. He loves his work. He loves this body. He loves the State of Texas and he projects not only a spirit of excellence and unity but also always peace and harmony. I believe that it is absolutely impossible to project peace and harmony in public unless you also enjoy peace and harmony at home. When you see him by his wife, look at their non-verbal, how closely they sit to each other after many years of marriage. They are in love. And you see their family, the family of which he is so proud. You know that every year he sends that beautiful Christmas card out with his entire family photographed with him—what pride, what a beautiful example of traditional family values. Bill Ratliff, you truly are a great leader and a great friend. We not only respect you and admire you but we all have deep affection for you as a friend. When you were first appointed Chair of the Finance Committee, I know that many of the Members said, "Ratliff, why Ratliff? Why not me?" Many of us covet that position, Senator, you know it and so do we. I know that every Member who covets that position because of the opportunities and challenges that it offers, every single Member knows that you were selected because you have the potential to excel and excel you did. You've listened to every Member, you've prioritized the needs of Texas, and you did not have a personal axe to grind or a personal agenda. You did what was right for the State of Texas and you prioritized the needs instead of carrying that personal agenda. For that, Senator Ratliff, we salute you. Seventy years ago Ehrmann wrote that we should go placidly amid the noise and the haste. That is exactly what you do. You live the words of *Desiderata*. You speak the truth quietly and clearly and you listen to others intently. You are a great leader, a great Texan, and I am proud to second your nomination. Thank you.

Senator Sibley: Thank you, Mr. President. I just hope I can get through this one. As I look around this building and see the beauty of this building, I know that when it was built, somewhere when they started laying the foundation, somebody set a plumb line. And that plumb line that was set down in this building someplace, I know not where it was, was the measure for everything else that was built. The reason that these columns are straight and the reason those pretty granite bricks out there are lined up straight is because somebody somewhere set a plumb line that was straight. Senator, you're my plumb line. I think, as we measure ourselves and the legislation that we want to do, everybody has to start someplace. The farmer who lays the first row as he plows, every other row is lined up with that. Members, I think that's what we do here. I think all of us have our plumb lines, the people we look to. It's either family or it's colleagues and you're mine and I thank you. Sally, I was thinking about what to say because you've meant so much to me.

King Solomon said it best and let me just read it, "A wife of noble character, who can find? She's worth far more than rubies, her husband is full of confidence in her and she lacks nothing of value. She brings him good and not harm all the days of her life. Her husband is respected in the city gate where he takes a seat among the elders of the land. Many women do noble things, but you surpass them all. Give her the reward she has earned and let her words bring her praise in the city gate."

I look at these pictures up here and I see a lot of old Senators, a lot of old Senators. In 100 years, I'm sure some young Senator is going to be sitting here saying, "Can you believe how they dressed? Look at that facial hair, they didn't have any. Where did all those white guys come from?" probably, is the next thing they'll say. And they're going to look back. I can tell you, I started looking and I did a survey, I do enjoy history, I started looking at these old Senators up here in all these pictures and I tried to figure out what did they do. I found some that had a county named after them, I guess, or it's just a coincidence. While you have done a lot of stuff—I mean, you really have, Senator Bivins went over that—I think 100 years from now, I don't think they're going to remember that. I really think that what we do here will set a climate on which Texas can build and will be a better state because you were here. What your legacy in Texas is going to be is those folks back there, those grandchildren, and what they've done. Ya'll can be proud of your grandfather. I'm glad I got through part of it anyway. You'll do to run a river with. Thank you.

Senator Moncrief: Thank you, Mr. President. Senator Sibley, I don't think I've seen you quite that rattled since you arrived in this chamber. But it's easy to understand the emotion with which you speak. I think that, certainly, Bill has been much more than just a fair-minded chairman, one that has set aside his own provincial concerns and, indeed, addressed those of this state as a whole, looked at the big picture. I guess each of us have our reasons for this man being special to us, Members. I guess one of the things that pushed my button, Mr. Chairman, was what you chose to do with significant amounts of new funding for community care and assistance to those who are mentally ill and mentally retarded. Outside of the appropriations process I think you were very fair in scheduling a lot of bills, bills that you may or may not have agreed with, such as the lottery dedication, Senator Nelson, it did get a fair hearing. I think you've got a very strong moral compass, one that is on point, always has been, always will be, one that can be a tremendous example, a continued example, if not only to your own children, but to the next generation, your built-in football team back here. I guess one of the things that means a great deal to me is how close you and Sally are. That's something Rosie and I have in common, best friends, on a mission together, for this state, for our people. God bless you and congratulations. I rise to second your nomination.

Senator Lucio: Thank you, Mr. President and Members. I join my colleagues today in seconding the nomination of Senator Bill Ratliff for

President Pro Tempore. I know that he accepts this alongside with his wife and his family members that are here and also his staff because I've often heard Bill talk about his staff as being his family members as well and for that I have a great deal of respect for him. I'm moved by Senator Sibley and his presentation, my good friend from Waco. I understand what he's talking about in terms of adding to the foundation and building and adding to the foundation that we call good Texas state government and that Bill represents. The definition of leadership is not a position. The definition of leadership is action and every time that Bill has been given something to do he takes action. This definition fits him just like a glove, a golf glove. He plays pretty good golf as well. I was questioning whether or not he had been working so hard because, I think, very early yesterday morning, right before sun-up, we did play a little round of golf. As Chairman of Finance, he proved he could lead and understand the needs of all Texans and for that, Chairman Ratliff, we're all thankful, no matter where we live in the state. When our great friend Senator John Montford left to become Chancellor of Texas Tech, many of us felt that whoever did take over was going to struggle a little bit, or a lot, to achieve success. Quite frankly, it was a smooth transition and you rose to the top, you really did, on this occasion. Chairman Ratliff has always kept his composure. I've never really seen him lose it and that's a high quality, especially in this Texas Senate when sometimes tempers flare. He's always made time to work and listen to all of us and for that, I'm sure, all of us are thankful, whether we've been here three or four terms as some of us, or whether we're freshmen like some of us are. I have really never heard any negatives, Bill, quite frankly, from any of the fellow Senators, no matter where we're caucusing or whatever we're discussing. I give great credit, quite frankly, today to Governor Bob Bullock, because he is a great man and a great judge of character and he chose the right people to lead in the right way. So, I proudly second the nomination of the Honorable Bill Ratliff, a great statesman in our time. Thank you, Mr. President.

Senator Brown: Thank you, Mr. President and Members. It's my pleasure to rise to second the nomination of Senator Ratliff as President Pro Tempore of the Senate. You know, some of the people who are here in the gallery, Senator Ratliff, may not know completely how all this operates. I know that looking at you, they're hearing all these nice things said about you and they see that you're a shy, modest person. If they could have only heard all the nice things the Members said about you as Chairman of Finance while you were involved in that operation, for the whole session, you should be used to it by now. You've done a great job in that regard because, as you well know and a lot of people don't know that don't have a chance to be a part of this process, how very, very difficult it is to go through a budget process and then to be in conference and try to provide services for the state and make sure all the needs of the people of the state are met and yet do it on a firm, sound budget, budget execution considerations taxing issues, and what we're going to spend and how we're going to spend it. You did an excellent job in that regard. I know that all the Members are proud of you for giving the time that you have.

I do want to say that heard y'all Senator Bivins introduce some of his family. Senator Ratliff has a brother that teaches at the law school and has legal training and he has a brother that is a lawyer that practiced for a long time. He's got a nephew that's a lawyer. Senator Sibley and I, both being lawyers, worked on the conference committee. I do know that on one particular day, on one proposition, we had him thinking like a lawyer. So, I know that's encouraging, Senator; it's encouraging that your family has been working on you in that regard and we have too. I know that your engineering practices and training may yield on occasion so I feel like there is hope. I will say that being Governor for a day is an exciting thing for you and your wife and your family. That day will come and I know that, I guess, you'll probably give plenty of notice to all the people of the state because on that day there will be no lawyer safe in the State of Texas with you as Governor, nor will any chicken be safe. Congratulations, Senator.

Senator Armbrister: Thank you, Mr. President. I too rise to second the nomination of Bill Ratliff as President Pro Tempore of the Senate. Bill, I've had the privilege of serving with four different Finance Chairs and each had their own style and brought to the state their own leadership qualities. Grant Jones had an intricate knowledge of state government and how it worked out, Kent Caperton was a prime negotiator on the budget, John Montford was the epitome of details within the budget, but there was always something missing until you took the helm. That was your, not only professional role and career, perspective of an engineer to bring about a guarantee of infrastructure to the state's budget. The work that you did this session in looking at those infrastructure items within a state agency to ensure that their base was firm, as throughout your training and career has shown in the projects you've worked on. A lot of people just look at Billy Ratliff and say, "Well he's one of those consulting engineers, whatever that is." We never have figured out exactly what that term means. I know that you have also served as City Manager of Copperas Cove and several other places and been active in your community.

One of the joys that we have up here sometimes, or one of the obligations we don't take advantage of, is to break away, whether it's just in mind or actually physically get away from this building during a session. You and I had to do that. It seems like every Wednesday we would consult, knowing that Sally and Susie and Sue Sims were out, visiting, by my last count, nearly every store in Austin, running farm machinery off the roads looking at wildflowers, or whatever. You and Sally have lived your whole lives together and know the value that's meant so much to us. Those of us that our wives had an opportunity—I guess that's the thing of getting older, when your kids leave home you become an empty nest—your wives and spouses get to come up and accompany you up here, and have Sally along to share those times and help all of us to kind of break away. Hearing about some of the escapades that they've had has been a real joy this whole session that you and I have talked about. It's all been said, how important is recognizing your family. My mother used to tell my brother and I, usually when we were cutting up, that she wanted to remind us that we're a reflection on our parents. I didn't know your parents but I know you and your brothers and they were obviously wonderful people.

What you have meant to the Texas Senate and to the people of Texas cannot ever be diminished.

I too wish to second this nomination and wish you and Sally and all the family back here the best of luck during your reign as President Pro Tempore. It is a very important position. At any given time something could happen. I hope it never does, but something could happen where you find yourself projected into a completely different role than you were the day before and that's in serving the people of the state in not only the capacity of Senator but also as a Lieutenant Governor or as a Governor of the state. I'm pleased to second this because of your capabilities, your leadership, your character, and because of your values that you have brought to the Senate. It's not always things that we do as far as bills we pass but, I've said it before and I will say it again, the action that was taken concerning the issue about affirmative action in the state, regardless of what your personal position was, forced each Member of this Senate to not only look in the mirror at themselves, but look deep within each of our hearts to determine what was really important for the people of the state. What really meant things, it wasn't money and it wasn't did this school get that or did that school get this or this agency get this; it was to bring about us a sense of character and feeling as far as one another are concerned regardless of color, creed, religion, national origin, or sex. And I, Sir, thank you for that. Thank you, Mr. President.

Senator Shapiro: Thank you, Mr. President. Well, I had to write some things down, Bill. I was afraid I might get even more emotional than Senator Sibley. I will tell you that many times I've been asked, as all of us have, to introduce our fellow Senators at a dinner or to give a speech. Oftentimes when we ask their staff for a resume, we get 10, 12, 15 pages of issues and items that the individual would like us to say about them. I think it's indicative of the man, Bill Ratliff, when I tell you that I had the privilege of introducing him at an award—he was engineer of the year—and when I called Vatra and asked her to please send me a copy of his resume, it was about the size of an index card. I think that speaks volumes about the character and about the man, Bill Ratliff. He's humble, he's unassuming, he does what it takes to get the job done. He doesn't let himself get caught up in all of the trappings of elected office. He doesn't care much about who gets the credit as long as there are good things that happen in the State of Texas. Whether he's talking about himself or whether he's talking about how to reform education or giving us a precise budget to be proud of, he keeps it simple, he's very straightforward, and he's focused on what the real issues are.

Bill's rise in the Texas Senate was almost meteoric. He was first elected in 1989 from the citizens of the Northeast Texas area. He was already considered an elder statesman when I came into this legislative body some short four years later and during my first term in office he was my mentor. I learned an awful lot from Bill. He kept me focused. He helped me many times, I think, to avoid the pitfalls that so often plague new Members. He taught me about how to have power lunches; Bill Ratliff's is a coke and cracker. He taught me a lot about the jockey theory. One day when he saw me

with volumes and volumes of paper—I was reading and trying to get through the intent calendar—he said, "What are you doing?" I said, "Well, I'm trying to learn as much as I can so I can be intelligent enough to vote on the Senate floor," to which Bill said to me, "Haven't you heard about the jockey theory?" I said, "No." He said, "You bet on the jockey, not the horse." Bill was my jockey and still is today. He told me about the Work Hard and Have No Paper Theory, the theory that says I can do everything I need to do and you'll never see it on my desk. I'll never forget, Vatra, after my first session, on Sine Die when I walked into your office and for the first time saw paper on the desk, not enough paper to make a difference, but I chose to dig deep into the trash can and put paper all over everyone's desk in Senator Ratliff's office.

I want you to know that, I think Lieutenant Governor Bob Bullock probably said it on numerous occasions, he refers to Senator Bill Ratliff as one of the most effective Members that the Texas Senate has ever had. I think no truer words have ever been spoken. As the Chairman of the Senate Education Committee he tackled some of the most complex and most difficult issues that I think this state has ever seen or probably ever will see. As a Chairman of the Senate Finance Committee he certainly showed us that it's not a job for a politician who necessarily wants to advance his career, nor someone who's a Pollyanna, nor someone who tries to give everything to everyone no matter what the problem. It's a job for a statesman and Bill Ratliff is. If there is an adjective that, I believe, describes you as much as any, it is a statesman, statesmanlike in everything that you do, in your demeanor, in your approach to issues, in your personality, and in just your very being. I am convinced that you make decisions based on what is best for Texas each and every time you make a decision. I am very excited about this new position, Bill Ratliff. I know that you will do an incredible job as you do in everything and, despite your deliberate effort to the contrary, I am convinced we'll be finding new adjectives to describe you each and every day. I am also convinced that again we will find *Texas Monthly* calling you a true leader. I am convinced that the *Dallas Morning News* will again call you a statesman, that everybody in the Texas Senate will be calling you Mr. President, and I will continue to call you my friend. If you were running for office in my district I would vote for you. If you were on the stock exchange I would invest in you. If you were a jockey I would bet on you. You are a jockey and I do bet on you. General Douglas MacArthur once said, and I would like to paraphrase: There is no greater honor than to be appreciated by the people who know you best. Bill Ratliff, you are appreciated by everyone who knows you best and I know that today, with Sally by your side, and your wonderful family, you must realize how much each and every one of us really appreciate you. Thank you for being my jockey today and always.

Senator Whitmire: Thank you, Mr. President and Members. It's indeed a pleasure to second the nomination of an outstanding Senator like Bill Ratliff as President Pro Tempore. I think it can be summed up in some sense that Bill is continuing the tradition established by Governor Bullock when he became Lieutenant Governor. We've all heard it many times, but you've

certainly demonstrated it, how amazing it is, what you can get accomplished here, if you don't worry about who gets the credit because, Bill, you certainly have demonstrated that. It's amazing if you went out among the public and asked them probably who any of us are, the response you'd get. But, if you run out into the public and ask them about the Chairman of Finance, they might not know off the top of their head because you don't go about putting out press releases, you don't go about self-promotion. You go about getting the job done and not worrying about who gets the credit, not only as Chairman of Finance, but certainly the long hours you put in on public education. Another thing that's interesting to me—as I was sitting here thinking, Sibley triggered my memory—is what do you hear here on the floor and in the committee rooms about Senator Ratliff. I can't think of any time, any criticism, any personal negative remarks. I think it's because not only your accomplishments and your character, but also, I think, you probably still subscribe to the principle that we were all living under just a few years ago. When we got to the Senate someone like Carl Parker, or someone, would say, "You know the nice thing about the Senate is we just don't mess with each other unless we just have to." You have certainly carried out that tradition. You just don't go around messing with people over here unless you have to. It's interesting how seldom you stand up, but when you do we all listen. As far away as you are from me, when I see you rising I know I better be ready for a very serious question, one that goes right to the heart of the issue, as you did during the stadium debate and others. When you rise we know it's not monkey business. We know it's going to be something very serious that we're going to need to respond to.

Now before I sit down, because we've heard it over and over, particularly some of your colleagues that spend a lot of private time with you, what an outstanding individual you are in your personal life as well as public. I want to comment on something about how you've demonstrated how effective and how we've been able to function so successfully this session. Members, there was so much speculation about the change in the makeup of the Senate, that the Republicans were going to be in the majority. You and I, all 31 of us, knew that that was definitely being overplayed. Bill, you have demonstrated, and I think you always will as long as you're in the Senate, that partisanship just has no place here. Certainly we are Democrats and Republicans and we're fixing to probably get ready for an election year. Isn't it amazing that as Senator Ratliff went about doing the top job of writing the budget, whether you're a Republican or Democrat just didn't enter into the equation, never, not once. In chairmen's meeting when we're being briefed, or in your committee deliberations, or in our caucus, or right here on the Senate floor, not one time can anyone show where Bill Ratliff, with the great powers and responsibilities that he had, ever once made a deliberation as a Republican versus other Members being Democrats, when we sat down to do work. You know it's amazing that it's worked so well. I think a large amount of the credit goes to you, Senator Ratliff, because in the key role that you played in the Senate you never let partisanship become a factor. When you start writing the state budget there are probably

hundreds and thousands of opportunities to either play upon the partisanship or the interest groups that come before us needing your services. So, let me just give you credit for maintaining that nonpartisanship atmosphere that has served us so well for these last 140 days. I want to join my colleagues and tell you that as we travel the state and people say, "Well, what kind of people serve in the legislature?" You can point to a lot of different individuals. I feel certain that more times than not we're going to point to Bill Ratliff who quietly goes about his job in an honest, family-spirited, just, you're a role model, for what else can I say, you're a role model for each and every one of us. If I had to choose someone to ride the river with, if I had to just go through the legislature and say we're going to have some tough rapids ahead and somebody's going to have to do their chore, you know, Bill, that I would definitely want to ride the river with you. Or, as David Cain and I got to kidding during the session about some tough issues, who was going to be in the foxhole with us to watch our backside? Let me just tell you, you'd be one of the very few that we'd choose to be in the foxhole with 'cause you're going to watch our backside while we watch the enemy coming from the front. It's a great honor that you're receiving today and it's going to be fun to watch you enjoy the day as Governor for the day.

Senator Ellis: Thank you, Mr. President. Much to your surprise, Senator Ratliff, I'll be brief. I just want to add my thoughts on you. I think everybody's said just about everything I could think of, but I just want to point out that you are clearly one of the nicest people that I know in or out of politics. This is a contact sport. You've always been aboveboard, always such a perfect gentleman. I haven't had the privilege of really getting to know you one-on-one although we came in about the same time. You came in in 1989 and I came in in 1990. As you take upon this new role as the President Pro Tempore of the Senate and you go through this interim, I hope that I do get to know you. I'd like to know you one-on-one, take you out to hear some good rap music. You know, I know that there's another side to you other than that quiet demeanor that everybody sees and I'm looking forward to that, Mr. President. Congratulations.

Senator Patterson: Thank you, Mr. President. I don't have a lot to add because all of y'all have said all that can be said and I feel a lot like it's a tough act to follow. I feel a lot like Liz Taylor's seventh husband. I know what to do, I just don't know how to make it interesting. So, I'm just going to second the nomination and I'm going to do so briefly. I have greetings from a mutual friend of ours, Bill. His name is Sputnik. Truly, and I'm serious when I tell you that Sputnik admires you and respects you and for similar reasons that the rest of us admire and respect you. He used the term: he's like a Chevy truck, you know, like a rock. He doesn't change. He doesn't waffle on me. The good news is he doesn't waffle on me, the bad news is he's on the other side. That's what Sputnik told me to tell you. He also told me to tell you that for you and Sally he has extended an offer of free safe-motorcycle-riding instruction and all you have to do is just call him at 1-800-RIDEFREE.

You know you talk about Bill as he seems somewhat erect. He's ramrod straight. He reminds me of a former first sergeant, marine battalion first sergeant, who appeared to be like Bill, but he had a sense of humor. Bill truly does have a sense of humor; he has to have a sense of humor. When we were debating the issue that you and I debated on—which I think was the only thing we disagreed on all session and that was the helmet bill—in the heat of debate I threw an epithet at you, or a comment. I called you this, I think I described you as a self-appointed do-gooder, a terrible thing to throw across the floor of the Senate. It was almost funny that that's all you could be called. That's the most, you know, what else can you call Bill Ratliff, you know? It doesn't get any worse than that. I know that went down in the book of black lines in your history and I truly can't add anything new. But, you are a class act, you're something we should all emulate. Truly, Sputnik does make that offer and sends his respects too on your nomination to be the President Pro Tempore. I'm glad to serve with you.

Senator Cain: Mr. President, thank you very much. Senator Ratliff, as you know I'm not much on seconding speeches and don't like to get up a great deal myself because everybody else here does it so much better. But, I couldn't let Senator Whitmire's foxhole comment get by without saying a couple of things. As you, I'm a Member of the Smith County, Tyler delegation and a proud Member from Northeast Texas of this body. I think it's appropriate today—you have many of your friends here from Smith County and from Northeast Texas—to talk about the very few but distinguished other Members from our area who have served in this role that we're nominating you to today. The last one, I believe, Mr. President and Members, from Smith County was the late, great Peyton McKnight who served twenty years ago as President Pro Tempore and, like you, he had a great impact on this process. Prior to that time—if my calculations are correct, it was in 1943—your predecessor, Senator A. M. Aikin, whose Education Code you rewrote, served with great distinction from our area. I think it's appropriate that we point out in the short years that you've been in the Senate that besides the education rewrite, for which you'll be known for many, many years, you have authored a Northeast Texas initiative for our area that was a tremendous undertaking. I don't think you've received enough credit for that, but I want you to know that those of us from your area know about it and are very proud of you for that. You've also championed the cause of higher education in our entire state. So, just speaking as one from East Texas and Northeast Texas, we're, as you have in the past, expecting great things from you. The people of this state will be proud in your service and I think particularly the school kids and the citizens of East Texas will welcome your rule as Governor of this great state and I'm proud to second your nomination.

Senator Lindsay: Thank you, Mr. President. As a freshman, I expect to be very quiet and not be seen. I think I've done a reasonably good job of accomplishing that goal this session but, I'll tell you, having this experience that I've had for the last 140 days and listening here today to

the real leaders of this body and others as I've stood around here and look at who the leaders are and how they respect you, reminds me of something that happened to me in another experience about 20 years ago and I'd like to explain how that is. Twenty years or so ago I had a lot of friends that were ex-football players from the University of Houston. Some of them were professional football players at the time, even playing basketball, great big guys in other words, all of them, big, big, big. They invited me to go on a fishing trip with them. We went down to High Island and we were going to do a seining experience out there on the Gulf of Mexico. We were going to seine with a 300-foot seine, ten-foot long, or deep, and they invited me to go with them. We got down there and the surf was pretty high, about four-foot waves breaking over us. I volunteered to go out there and help them pull this seine. Now, all these guys were at least a foot taller than I. We went out there and pulled this seine out there and got out to about the third sandbar and my feet were not touching the sand. I was being pulled along by these guys, a wave would break over me and then clear. I'd look up to see where they were and I was just hanging on, just hanging on. That's kind of the way I've felt during this session here. Every once in a while my feet would hit the ground and I'd feel like I had an idea where I was. I'd look up to see which way to go. I'd look for the leaders in this body and I'd always find you out there in the front of this seine pulling and leading the way and getting us back to shore, where we pulled in one fish, I might add. It's been a great experience to follow your leadership and I'm looking forward to two years from now where I think the waters will be a little calmer, a little shallower. My feet will be on the ground a little solidier and I'll be able to pull on that seine a little more effectively. I look forward to your leadership and being able to do that. Thank you.

Senator Barrientos: Mr. President, Members, I rise to second the nomination. Senator, Bill and Sally, just about all has been said. Thanks for being friends.

Senator Shapleigh: Thank you, Mr. President. I rise to second the nomination of Senator Ratliff. Senator Ratliff, I don't know if this news has gotten to you but I do hear in some parts of the Capitol that while some of those desks may be clear, you might want to look in a few of the drawers because there's a few papers in some of the drawers in those desks up in your office. I want to share just one story about Bill Ratliff that I personally know about from my part of the country. When he was named to chair the Education Committee, he came out to El Paso on many occasions. He went into a particular school in a colonia where no one in that school looks like Bill Ratliff. In fact, most people there didn't speak the same language. After he came out of that school, after touring it for two hours, I much later got to talk to the principal of that school about what Bill Ratliff did at that school. He did there what he does here in the Texas Senate. He asked a lot of questions. He talked to everyone involved in the school. He looked at what the mission of that school was in educating children and how it was doing in that mission. He spent

a lot of time talking to people to try and find out what effect policies would have on people. I asked that principal, who spent two hours with Bill Ratliff, what did she think. She said, "You know, if he came and he asked those questions and he spent that time, I trust him. I trust him to do the right thing." And I think that's the feeling of most of the people in the Texas Senate about you, Senator Ratliff. They trust you to ask the questions. They trust you to do the homework. They trust you to bring a set of principles that you've got from the family experience being deep and rich. They trust you to bring your intellect and your integrity and they trust you to do the right thing for Texas. Watching you and the challenges that you've taken on, you took on the chairmanship of the Education Committee and you rewrote that code. You took on the chairmanship of Finance during a time when there was a moving target on the tax bill and you never quite knew how to write a budget with that moving target. And we here in the Texas Senate just look forward to seeing what kind of challenges you'll take on next in your role as Governor for a day. I want to thank you just from my lowly perspective as a freshman for teaching me a lot about trust. Because I think that's what this body runs on is trust, trust in a person to do and say what they can do and tell you what they can't do. I want to thank you for teaching me that in my first session in the Texas Senate.

Senator West: Thank you very much, Mr. President. I too rise to second the nomination of Bill Ratliff. Prior to this session, I didn't know Bill Ratliff that well. I had lobbied him on some issues concerning education, but I got an opportunity to know him by serving on the Finance Committee with him. We dealt with some tough issues, Bill, on the Finance Committee, not only on the Finance Committee but also in Education. I asked you some tough questions as to what we were going to do about scholarships in the State of Texas. You took the time to actually delve into that particular issue and ascertain exactly how much money we were putting in financial aid for students in the State of Texas and recognize that there were several Senators that were very insistent, along with you, of trying to do a better job. And you did a better job for the children of the State of Texas, not the Black kids, not the white kids, not the Hispanic kids, but for all of the children of the State of Texas because you have that vision concerning what we need to do for the next millenium. When it came down to deciding how you were going to utilize your time, I came to you and asked you and Chairman Junell to accompany me, give me thirty minutes of your time during, probably, the busiest, the busiest time of the session, to go over to Huston-Tillotson College to see exactly what they were doing with money appropriated by this body. You took that time to do that and for that I thank you. I'm saying all that to say that I think it very appropriate for each and every Member of this body to hurl accolades that we're doing at this point in time. I think it very appropriate that, as Senator Bivins said, that we call you Obi-Wan Kenobi because you embody all of those qualities. I stand here today with my colleagues to say thank you for all of the things that you have done and, I know, things that you will do for the State of Texas. So I second the nomination also, Mr. President.

Senator Duncan: Thank you, Mr. President, Members. I guess as a freshman you come in and you look for someone who you think does it right. You search for a person and you want to find that person and try to emulate that and try to do the things that they do. I think, probably, what I'm hearing today is not just the freshmen, but I think all Members of this body look to you for that type of leadership. I'm very proud to second the nomination.

Senator Gallegos: Thank you, Mr. President. I too rise to second the nomination for Bill Ratliff. I don't know you personally like I should, but I promise you I will. I really appreciate you coming out to the district, especially the University of Houston-Downtown to see how the feeder pattern worked there. I guess I can best sum it up the way I feel about you. I asked my very good friend Paul Sadler when was he going to run for the Senate. He said, "Probably never, because we have the best person representing us right now and that's Bill Ratliff." I concur. Congratulations.

Senator Truan: Thank you very much, Mr. President and Members. I join all of my colleagues, Mr. President, in seconding the nomination of an outstanding Member of the Texas Senate, Bill Ratliff. I have indeed served with a number of Members of the Senate who have become President Pro Tempore, who have celebrated their Governor for a day, dating back to the Chairman of the Finance Committee, A. M. Aiken, when I first came to the Senate. I will say what I said earlier in our debate on the finance bill. We are indeed fortunate in this Senate, in this legislature, and in our State of Texas to have an outstanding American serving us at the state level as Chairman of our Finance Committee. I am very proud to serve with Bill Ratliff. I am fortunate to serve with him on three different committees: the committee that I'm Chairman of, International Relations, Trade, and Technology, the Committee on Administration, as well as Finance. Senator Ratliff is very unselfish. He wants to share the opportunity to do things for the people of Texas. Witness, after being his Vice-chair of Finance and presiding over the finance bill that he presented to us, he handed over the gavel to me and said, "You presided over the budget of the state, over my legislation, our legislation, and I want you to keep this as a souvenir." I want you to know, as I told you privately, I appreciate that gesture on your part. When you were Chairman of Education during the 74th Legislature, you went about a complete rewrite of the Education Code. A lot of people's reaction was that of horror on their face because a lot of people have been used to the status quo. I saw an opportunity with you to do things that the education establishment would not do on their own. Some years back when I first came in, I saw an 80 percent drop-out rate among Hispanic children and we had a so-called English-only law that we had had for 50 years. That law was not directed at Spanish-speaking children, it was directed at the German-speaking community. That was during the time of the problems with Germany and Hitler, but any bad law comes back to haunt innocent people. Introducing the bilingual education law in 1969, I also had the so-called education lobby on my back because I was changing the status quo. Notwithstanding that, we did pass that bill into law. When you were

rewriting the Education Code, we met, Senator Ratliff, with a number of people that had worked over the years on how to improve the delivery of education to children, to children who had been left out, as the adults debated among themselves on education matters. You did give me every indication of your sincere desire to consider the needs of children and for that I respect you. We have worked together on the Finance Committee, Members, and each and every one of you has had a role to play on the Finance Committee's deliberation because Bill Ratliff saw to it that your needs and your requests were taken into consideration. I can vouch for that.

There is no doubt that our State of Texas would be well served with Bill Ratliff and Sally working together as President Pro Tempore of the Texas Senate. This is an honor, Members and ladies and gentlemen, that is bestowed on Members of the Texas Senate by their fellow Senators. It is a distinct honor to be President Pro Tempore and to have an opportunity to serve as Governor of Texas, Governor for a day, and to be able to enjoy that office and everything it represents. There is no doubt that what has been said here about Bill Ratliff is true. He has that quiet honor, dignity about him. You have to respect him. In his dealings with us, you know very well, Members, he is never one to push, he is never one, never have I witnessed, myself nor with anyone, that he has in any way pushed his weight around, never. On the contrary, he is, in many ways, not as aggressive as perhaps he might be or might have been in some cases. I will tell you honestly I am very honored, and I know you are, to have Bill Ratliff serving among our colleagues here in the Senate and for us to have the honor of having him serve as President Pro Tempore and, in succession, to be Governor of Texas. Mr. President, Members, I respectfully move that the Honorable Bill Ratliff be elected President Pro Tempore by acclamation.

On motion of Senator Truan and by unanimous consent, Senator Ratliff was elected President Pro Tempore Ad Interim by acclamation.

The President declared Senator Ratliff President Pro Tempore Ad Interim and appointed the following Escort Committee to escort Senator Ratliff to the President's rostrum: Senators Sibley, Truan, Bivins, Shapiro, and Brown.

OATH OF OFFICE ADMINISTERED

The President administered the Oath of Office to Senator Ratliff as follows:

I, Bill Ratliff, do solemnly swear and affirm, that I will faithfully execute the duties of President Pro Tempore Ad Interim of the Senate, that I will, to the best of my ability, preserve, protect, and defend the laws of this state and of the United States, so help me God.

ADDRESS

Senator Ratliff addressed the Senate as follows:

Governor Bullock, before I share a few reflections with my colleagues, I'd like to take just a moment to thank you. Six years ago

you began to give me the opportunity to be involved in some of the major issues of our day and it culminated with your giving me the opportunity to Chair the Senate Finance Committee. I want you to know that I pray that I have lived up to your confidence and I thank you for giving me those opportunities.

About the midpoint of this session, Sally and I went home to attend the funeral of a good friend of mine. John Green was a member of my little golfing group. He and Wanda were members of our Sunday School class. We've attended lots of funerals, but this one somehow was different to me because it began to make me reflect even more so than normal on the fact that God gives each one of us an allotted number of days on this Earth. We don't know how many there are. I tried to finesse that and went back to look at my birth certificate but it didn't have an expiration date. It did make me begin to think about how it is that you and I spend each one of these days. I thought about those times when we get caught up between warring factions of our constituency and we realize that we probably can't come out with either group happy, but we get involved in those kinds of debates. I thought about the time not too long ago when Sally and I were walking from our Sunday School class into our church and I was accosted by one of the members of the church and berated all the way into the sanctuary about some position I have taken as a Senator. I thought then as I sat down in the pew, how much longer will I do this? When each one of us sometimes has those occasions where some Woodward and Bernstein wannabe comes after us with inferences and innuendos, holds us to a standard far greater than anyone else is held to, paints us as another crooked politician, I wonder how much longer will I subject myself to this. When one of my children reports to me that in a social setting one of them heard a comment about all politicians are crooked and my child decided that here she had to defend the old man, I wonder how much longer I will subject my family to this. Then I walk on the floor of this Senate and it never fails, it never fails, when I walk onto this floor, the hair stands up just slightly on the back of my neck and I feel a little adrenaline flow and I walk across and sit at a desk that my predecessors have sat at for over 100 years. I look around this room at the history and the majesty of this place and I think about the fact that what we do here, we save lives. We don't save them individually but we do save lives, hundreds and thousands of lives by what we do. We improve lives. As a matter of fact everything we do is in an effort to improve lives even, as hard as it is for some of us, we even take lives at times because we feel it's necessary to protect society. I've heard the Governor on a few occasions when he's talked to delegations here say, "This is important business." It is important business that you do here. When I think about the fact that we each have an allocated time on Earth, I do believe that God will feel like dedicating this day to this job is worthwhile.

I appreciate the kind words from every one of you. Except for the family and Sally, the greatest pride of my life is serving in this body.

I hope that I always will do it proud and I will try to do so as President Pro Tempore. God bless each of you and in the words of Lieutenant Governor Bob Bullock, God bless Texas. Thank you very much.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Monday, June 2, 1997

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 337, Instructing the enrolling clerk of the house to make a correction to **HB 583**.

HCR 338, Instructing the enrolling clerk of the house to make technical corrections in **HB 1107**.

SCR 113, Correcting technical errors on **SB 359**.

HCR 340, Instructing the enrolling clerk of the house to make technical corrections in **HB 1212**.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

(Senator Truan in Chair)

HOUSE CONCURRENT RESOLUTION 336

The Presiding Officer laid before the Senate the following resolution:

HCR 336, Instructing the enrolling clerk of the House of Representatives to make a technical correction in **HB 1550**.

HARRIS

The resolution was read.

On motion of Senator Harris and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

BILLS AND RESOLUTIONS SIGNED

The Presiding Officer announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

HB 1, HB 318, HB 1230, HB 1301, HB 1941, HB 2086, HB 2850, HB 3540, HCR 293, HCR 295, HCR 321

HOUSE CONCURRENT RESOLUTION 330

The Presiding Officer laid before the Senate the following resolution:

HCR 330, Instructing the enrolling clerk of the House of Representatives to make technical corrections in **HB 1971**.

CAIN

The resolution was read.

On motion of Senator Cain and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

SENATE CONCURRENT RESOLUTION 115

Senator Shapiro offered the following resolution:

WHEREAS, **SB 51** has been adopted by the senate and the house of representatives and is now in the office of the senate enrolling clerk; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 75th Legislature of the State of Texas, That the enrolling clerk of the senate be instructed to correct Senate Bill No. 51 as follows:

Strike SECTION 2 of the bill and substitute the following:

SECTION 2. The change in law made by this Act applies to an inmate who violates a policy adopted by the Texas Department of Criminal Justice under Section 498.0042, Government Code, as added by this Act, on or after the effective date of the policy, regardless of whether the inmate is serving a sentence for an offense committed before, on, or after the effective date of the policy.

The resolution was read.

On motion of Senator Shapiro and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Harris was recognized and introduced to the Senate Girl Scout Troop 1655 and their leader of Arlington.

The Senate welcomed its guests.

SENATE CONCURRENT RESOLUTION 116

Senator Brown offered the following resolution:

WHEREAS, **SB 1** has been adopted by the senate and the house of representatives and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that need correction; now, therefore, be it

RESOLVED, That the enrolling clerk of the senate be instructed to correct Senate Bill No. 1 as follows:

(1) In SECTION 2.08 of the bill, in Paragraph (F), Subdivision (2), Subsection (k), Section 11.085, Water Code, as added by the bill (conference committee report, page 33, line 24), between "existing" and "instream", insert "water rights".

(2) In SECTION 2.08 of the bill, in Subsection (v), Section 11.085, Water Code, as added by the bill (conference committee report, page 36, line 17), strike "This section does" and substitute, "The provisions of this section, except Subsection (a), do".

(3) In SECTION 3.02 of the bill, in Subsection (b), Section 11.0842, Water Code, as added by the bill (conference committee report, page 47, line 16) strike "or Section 16.236 of this code" and add the following after the first sentence of the subsection (conference committee report, page 47, line 18), "The penalty may be in an amount not to exceed \$1,000 for each day the person is in violation of the rule or order adopted under Section 16.236 of this code."

The resolution was read.

On motion of Senator Brown and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Monday, June 2, 1997

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 339, Honoring Permian Basin Girl Scout Troop 113.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

HOUSE CONCURRENT RESOLUTION 335

The Presiding Officer laid before the Senate the following resolution:

HCR 335, Instructing the enrolling clerk of the House of Representatives to make technical corrections in **HB 1856**.

ARMBRISTER

The resolution was read.

On motion of Senator Armbrister and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

HOUSE CONCURRENT RESOLUTION 338

The Presiding Officer laid before the Senate the following resolution:

HCR 338, Instructing the enrolling clerk of the House of Representatives to make technical corrections in **HB 1107**.

MONCRIEF

The resolution was read.

On motion of Senator Moncrief and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

HOUSE CONCURRENT RESOLUTION 337

The Presiding Officer laid before the Senate the following resolution:

HCR 337, Instructing the enrolling clerk of the House of Representatives to make technical corrections in **HB 583**.

BARRIENTOS

The resolution was read.

On motion of Senator Barrientos and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

HOUSE CONCURRENT RESOLUTION 340

The Presiding Officer laid before the Senate the following resolution:

HCR 340, Instructing the enrolling clerk of the House of Representatives to make technical corrections in **HB 1212**.

SIBLEY

The resolution was read.

On motion of Senator Sibley and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

SENATE RESOLUTION 1006

On motion of Senator Sibley and by unanimous consent, all rules, including Senate Rule 7.25, Limitation on Vote, were suspended and the following resolution was offered:

WHEREAS, The State of Texas has long attempted to determine the best method by which to dispose of scrap tires for, whether taken to landfills or illegally dumped on roadways, these nondegradable products create a significant hazard that must be corrected; and

WHEREAS, The dangerous conditions created by the accumulation of scrap tires include the potential for fire, the subsequent release of toxic chemicals into the air and groundwater, breeding grounds for mosquitoes, snakes, and rodents, and human health problems; and

WHEREAS, With the repeal of the prohibition on tipping fees, consumers will no longer be required to pay a \$2 per tire fee on the purchase of new or good used passenger tires or a \$3.50 fee on all truck tires and Texas will join all but one state in allowing the free market to determine the cost of tire collection; and

WHEREAS, Texans have worked diligently to clean up the number of illegal tire dumps across the state and to reduce the amount of tires sitting in landfills, and it is imperative that we all do our part to dispose of tires in the proper manner and to prevent scrap tires from remaining a threat to our health and our environment; now, therefore, be it

RESOLVED, That the Senate of the 75th Texas Legislature hereby encourage the Texas Natural Resource Conservation Commission to provide stronger and enhanced enforcement to ensure that no additional illegal tire dump sites are created; and, be it further

RESOLVED, That the commission be directed to use the emergency appropriation of \$9 million to begin the cleanup of the remaining 300 illegal dumps and to clean up the state's West Texas tire collection sites; and, be it further

RESOLVED, That the commission continue its work in developing end uses for scrap tires, with special emphasis on determining an end use for the 1.7 billion pounds of shredded tires that are on the ground in Texas today; and, be it further

RESOLVED, That the secretary of state forward an official copy of this resolution to the executive director of the Texas Natural Resource Conservation Commission.

The resolution was read and was adopted by a viva voce vote.

SENATE RESOLUTION 956

Senator Sibley offered the following resolution:

WHEREAS, Public awareness of health needs, the promotion of healthy lifestyles, and parental involvement with children are necessary for a productive society; and

WHEREAS, Men are often reluctant to seek medical attention for physical ailments or depression because of socialization, fear, and lack of information, resulting in higher death rates at all ages for cancer and heart disease and leading to higher rates of suicide and dependency on drugs and alcohol; and

WHEREAS, Increasing men's awareness of their health needs and encouraging them to engage in healthy lifestyles are concerns for the women in their lives and allow the men to be productive family members and productive members of society; and

WHEREAS, Boys are at high risk for school dropout and drug usage and are less likely to enroll in or graduate from college; and

WHEREAS, Men are increasingly separated from their families by work and family dissolution, and promoting paternal involvement has positive effects on children's development; and

WHEREAS, Measures that strengthen home life and promote paternal involvement with children will advance the welfare of the state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby request that the governor appoint a Commission on Men to identify, assess, and develop strategies for men and boys, including community outreach activities, public-private partnerships, and coordination of community and state resources, to examine the causes of and recommend solutions to these problems; and, be it further

RESOLVED, That the Commission on Men shall be composed of 24 members consisting of medical and academic experts, community leaders, and leaders of organizations, each of whom has expertise in the areas of men's health or family involvement; the commission shall develop strategies and advocate programs and activities for enhancing the participation of men and boys in healthy behaviors, academic achievement, and involvement with family; and, be it further

RESOLVED, That the Commission on Men shall hold workshops around the state to identify issues affecting men's health and family participation and shall recommend assistance, services, and state policies which will further the goals of the commission, participate with established task forces and policy groups, and monitor federal and state legislation and public policy which may affect those issues; and, be it further

RESOLVED, That the Commission on Men shall submit a report of its findings and recommendations to the legislature by October 1st of each even-numbered year.

The resolution was read and was adopted by a viva voce vote.

SENATE RESOLUTION 951

Senator Barrientos offered the following resolution:

WHEREAS, Twenty-five years ago, Richard and Judy Hamner of Austin placed much faith and trust in the future, and they have been amply rewarded, for they are celebrating their 25th anniversary on June 9, 1997; and

WHEREAS, Since their marriage on June 9, 1972, in Zilker Rose Garden, Richard and Judy have exhibited the trust and honesty that are the cornerstones of a successful marriage; and

WHEREAS, The love and respect that Judy and Richard have for one another is evident to all who know them; and

WHEREAS, Life at 2222 Parkway has been even richer and more rewarding with the arrival of their son, Nicholas, who is the source of much pride and joy; and

WHEREAS, The long and happy marriage of Richard and Judy Hamner is truly an inspiration to us all; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby join the family and friends of Mr. and Mrs. Richard Hamner in extending to them best wishes and congratulations on their 25th wedding anniversary; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Richard and Judy as a memento of this auspicious occasion.

The resolution was again read.

The resolution was previously adopted on Friday, May 30, 1997. The names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

RECESS

On motion of Senator Brown, the Senate at 12:17 p.m. recessed until 2:00 p.m. today.

AFTER RECESS

The Senate met at 2:00 p.m. and was called to order by Senator Truan.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Monday, June 2, 1997

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 342, Instructing the enrolling clerk of the house to make technical corrections to **HB 4**.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

(President in Chair)

HOUSE CONCURRENT RESOLUTION 342

The President laid before the Senate the following resolution:

HCR 342, Instructing the enrolling clerk of the House of Representatives to make technical corrections to **HB 4**.

ARMBRISTER

The resolution was read.

On motion of Senator Armbrister and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

BILLS AND RESOLUTION SIGNED

The President announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

SB 133, SB 360, SB 370, SB 371, SB 382, SB 384, SB 517, SB 841, SB 1253, SB 1284, SB 1395, SB 1419, SB 1440, SB 1486, SB 1563, SB 1856, SB 1873, SB 1898 (Signed subject to Art. III, Sec. 49a, Texas Constitution), **SJR 43**

SENATE RESOLUTION 983

Senator Truan offered the following resolution:

WHEREAS, The Senate of the State of Texas would like to pause in its deliberations today to pay tribute to the parents of one of its most respected members, Senator Judith Zaffirini; and

WHEREAS, Senator Zaffirini was blessed with two devoted parents who were exemplary role models in her formative years; and

WHEREAS, Her father, George Santiago Pappas, was of Greek and Hispanic descent and was born on May 10, 1916, Mother's Day in Mexico; he was the son of the late Sarah Rodriguez and Santiago Pappas; and

WHEREAS, Heralded as the "only Greek bullfighter in the world," George Santiago Pappas was a superb athlete, and he lettered in every available high school sport; and

WHEREAS, George Pappas was well known as an outstanding tennis player and coach; he enjoyed a long and productive career with the Missouri Pacific Railroad, and he passed away on August 14, 1989; and

WHEREAS, Senator Zaffirini's mother, Nieves Mogas, married George Pappas and became a loving and dedicated mother to their daughters; and

WHEREAS, Born on November 24, 1916, Nieves Mogas Pappas was a descendant of Don Tomas Sanchez, one of the foremost founding fathers of Laredo; and

WHEREAS, A lifetime resident of Laredo, she was a 1936 cum laude graduate of Laredo High School and attended Laredo Junior College; and

WHEREAS, Mrs. Pappas was office manager at Laredo Air Force Base after having served as secretary to 13 Wing Commanders; she retired in 1982; and

WHEREAS, A devout Catholic, Mrs. Pappas was an active member of Saint John Neuman Catholic Church; and

WHEREAS, A woman who sought to give back to her community, Nieves was active in the Mercy Regional Center Auxiliary, the National Association of Retired Federal Employees, and the American Association of Retired Persons; and

WHEREAS, Nieves was a loving wife and a devoted mother, and her commitment to God, family, and community was reflected throughout her many years of service to each; Mrs. Pappas passed away on May 18, 1996, at the age of 79; and

WHEREAS, Senator Zaffirini and her husband, Carlos M. Zaffirini, are blessed with their son, Carlos Zaffirini, Jr., who has been the source of great pride and joy; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby honor the memory of George Santiago Pappas and Nieves Mogas Pappas who left a lasting legacy of dignity, compassion, and strength of character; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Senator Zaffirini as an expression of the highest esteem and regard of the Texas Senate.

The resolution was read.

On motion of Senator Brown and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Truan and by unanimous consent, the resolution was adopted by a rising vote of the Senate.

(Senator Truan in Chair)

(President in Chair)

SENATE RESOLUTION 1014

Senator Truan offered the following resolution:

WHEREAS, L. DeWitt Hale was a State Representative from Collin County for the Great State of Texas from 1939 to 1940, his first term; and

WHEREAS, L. DeWitt Hale met Miss Carol Gene Moore while he was campaigning for the office of State Representative in Celina, Collin County, Texas, in 1946; and

WHEREAS, L. DeWitt Hale simply asked Carol Gene Moore for a vote and gave her a card announcing his campaign; and

WHEREAS, L. DeWitt Hale had attended The University of Texas and obtained a degree in public administration and had also attended The University of Texas School of Law; and

WHEREAS, L. DeWitt Hale was a young and dapper 28-year-old lawyer restarting his law practice in McKinney, Texas, upon his release from active duty with the United States Air Force; and

WHEREAS, Miss Carol Gene Moore was a beautiful young 20-year-old Texan and had attended what is now Texas Woman's University; and

WHEREAS, L. DeWitt Hale began to drive the 40 miles from his hometown of Farmersville, Texas, to Celina, Texas, on a regular basis; and

WHEREAS, L. DeWitt Hale had the great honor of making Miss Carol Gene Moore into Mrs. L. DeWitt Hale, on June 8, 1947; and

WHEREAS, L. DeWitt Hale and Carol Gene Hale had two children, Janet Sue Wilde, who was born on May 6, 1954, and Nancy Carol Hale, who was born on November 11, 1961; and

WHEREAS, L. DeWitt Hale and Carol Gene Hale have three grandchildren from their daughter Janet Sue Wilde: Brandon DeWitt Wilde, Jennifer Lauren Wilde, and Thomas Joseph Wilde; and

WHEREAS, L. DeWitt Hale served as State Representative from Nueces County from 1953 to 1978, which, including his earlier service, totaled a period of 26 years; and

WHEREAS, Carol Gene Hale served as a first grade schoolteacher at Sam Houston Elementary School and at Casa Linda Elementary School in Corpus Christi for a total of 20 years; and

WHEREAS, On June 8, 1997, L. DeWitt Hale and Carol Gene Hale will have been married for a period of 50 years; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby congratulates L. DeWitt Hale and Carol Gene Hale on their 50th wedding anniversary; and, be it further

RESOLVED, That the Senate of the State of Texas hereby extends best wishes for many more years of happiness and marriage to the Honorable L. DeWitt Hale and his young wife, Carol Gene Hale.

GUEST PRESENTED

Senator Truan was recognized and introduced to the Senate L. DeWitt Hale, former member of the House of Representatives.

The Senate welcomed Mr. Hale.

(Senator Brown in Chair)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, June 2, 1997

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 343, Instructing the enrolling clerk of the senate to make corrections in **SB 700**.

SCR 115, Instructing the enrolling clerk of the senate to make corrections to **SB 51**.

SCR 116, Instructing the enrolling clerk of the senate to make corrections to **SB 1**.

SCR 112, Honoring Guadalupe Arias Garcia on the occasion of her 75th birthday.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

HOUSE CONCURRENT RESOLUTION 343

The Presiding Officer laid before the Senate the following resolution:

HCR 343, Instructing the enrolling clerk of the Senate to make corrections in **SB 700**.

ARMBRISTER

The resolution was read.

On motion of Senator Armbrister and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

BILLS AND RESOLUTIONS SIGNED

The Presiding Officer announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 35, SB 247, SB 343, SB 359, SB 1098, SB 1311, SCR 3, HB 793, HB 907, HB 951, HB 976, HB 1145, HB 1285, HB 1526, HB 1542, HB 1596, HB 2001, HB 2049, HB 2272 (Signed subject to Art. III, Sec. 49a, Texas Constitution), HB 2384, HB 2437, HB 2481, HB 2577, HB 2837, HB 2846, HB 2914, HB 3116, HB 3157, HB 3207, HB 3522, HCR 186, HCR 305, HB 972, HB 1150, HB 1525, HB 2517, HB 2697

HOUSE CONCURRENT RESOLUTION 245

The Presiding Officer laid before the Senate the following resolution:

HCR 245, Designating Knox City as the Seedless Watermelon Capitol of Texas.

HAYWOOD

The resolution was read.

On motion of Senator Haywood and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

(President in Chair)

MOTION IN WRITING

Senator Truan offered the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five (5) Members to notify the Governor and the House of Representatives that the Senate has completed its labors and is ready to adjourn sine die.

TRUAN

The Motion in Writing was read and was adopted by a viva voce vote.

Accordingly, the President appointed the following Committee to Notify the Governor and the House of Representatives: Senators Truan, Moncrief, Shapiro, Brown, and Whitmire.

PERSONAL PRIVILEGE STATEMENT

Senator Sibley submitted the following personal privilege statement:

I could not let this legislative session expire without entering these comments about our presiding officer, Lieutenant Governor Bob Bullock.

It fell to Bob Bullock to assume his office when the State of Texas was in crisis. The state was being sued over school finance, the prison system, and mental health facilities. Environmental agencies were scattered throughout government making things difficult for both business and enforcement. The civil justice system was more like a lottery than the instrument of justice. Water law was antiquated and unresponsive to the pressures of an exploding population and pollution hazards.

Bob Bullock used his years of devoted public service and all of his intellect to attack these problems as he lived; with full force and reckless abandon. He solved these problems and laid the foundation of success for future generations. His love of Texas was the plumb line by which every issue was measured. How many times have I heard him say, in private meetings where no reporter could hear, "Is it good for Texas?" "Will this help the children of Texas?". Whatever history may say about these momentous years, we can be sure that Bob Bullock acted with sincerity and strove with the utmost of his capacity and authority, which are powerful and potent, to make this state a better place for future generations. This alone will stand him in good stead with historians.

I had the singular experience of serving for four years as a committee chairman under Bob Bullock. It is an experience I will never forget. Whatever I have accomplished in this body is owed to Bob Bullock. When asked in the future about the great men in my life, Bob Bullock and Bob Johnson stand above the rest. I have been blessed to have served with these two men. God bless Bob Bullock and GOD BLESS TEXAS.

SIBLEY

MOTION TO ADJOURN SINE DIE

On motion of Senator Truan, the Senate of the Seventy-fifth Legislature, Regular Session, at 3:25 p.m. agreed to adjourn sine die, subject to the completion of administrative duties.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 1, SB 30, SB 228, SB 383, SB 385, SB 414, SB 700, SB 862, SB 875, SB 932, SB 1100, SB 1120, SB 1425, SB 1539, SB 1907, SCR 71, SCR 93, SCR 112, SCR 113, SCR 115, SCR 116, HB 4 (Signed subject to Art. III, Sec. 49a, Texas Constitution), HB 583, HB 723, HB 1107, HB 1212, HB 1468, HB 1550, HB 1856, HB 1971, HB 2909, HCR 33, HCR 193, HCR 245, HCR 249, HCR 286, HCR 323, HCR 326, HCR 327, HCR 328, HCR 329, HCR 330, HCR 334, HCR 335, HCR 336, HCR 337, HCR 338, HCR 339, HCR 340, HCR 342, HCR 343, HJR 31

MEMORIAL RESOLUTIONS

SR 1003 - by Wentworth: In memory of Gary Ralph Anderson of Austin.

SR 1004 - by Wentworth: In memory of Colonel Edwin B. Buttery of San Angelo.

SR 1009 - by Fraser, Duncan: In memory of Meagan Shea Stanley of Big Spring.

CONGRATULATORY RESOLUTIONS

SR 1005 - by Wentworth: Congratulating James C. Harden of San Antonio.

SR 1007 - by Ratliff: Congratulating Freddy Wade of the Talco-Bogata Independent School District.

SR 1010 - by Truan: Congratulating Joseph John "Joe" Salem of Corpus Christi.

SR 1011 - by Zaffirini: Congratulating the Texas Department of Mental Health and Mental Retardation.

SR 1012 - by Zaffirini: Congratulating Saint Peter the Apostle Catholic Church in Laredo.

SR 1013 - by Zaffirini: Congratulating Saint Augustine High School of Laredo.

SR 1014 - by Truan: Congratulating L. DeWitt Hale and Carol Gene Hale of Nueces County.

HCR 193 - (Patterson): Commemorating the 50th anniversary of the Texas City Disaster.

HCR 249 - (Patterson): Honoring the members of the 533rd Anti-aircraft Battalion on the occasion of their 18th reunion.

HCR 334 - (Lindsay): Honoring Harris County Commissioner Jim Fonteno for his development of a senior citizens program.

HCR 339 - (Bivins): Honoring Permian Basin Girl Scout Troop 113.

MISCELLANEOUS RESOLUTION

HCR 33 - (Bivins): Declaring February 25, 1997, Midland/Odessa Joint Legislative Day.

ADJOURNMENT SINE DIE

The President announced that the hour for final adjournment of the Regular Session of the 75th Legislature had arrived and, in accordance with a previously adopted motion, declared the Regular Session of the 75th Legislature adjourned sine die, in memory of Loring Terrill Cook of McAllen, Betty Jean Price of Dallas, and L. P. "Pete" Gilvin of Amarillo, at 6:00 p.m.

APPENDIX

SIGNED BY GOVERNORMay 20, 1997

**SB 123, SB 249, SB 263, SB 290, SB 655, SB 667, SB 699, SB 753,
SB 1697, SB 1712, SB 1879, SCR 24, SCR 32, SCR 36**

May 21, 1997

SB 251, SB 898, SB 1751

FILED WITHOUT SIGNATURE OF GOVERNORMay 22, 1997

SB 386

**OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR**

MESSAGE

**TO THE HONORABLE LIEUTENANT GOVERNOR AND SPEAKER OF
THE HOUSE OF REPRESENTATIVES:**

I am transmitting to the Secretary of State, without my signature, **SB 386**, relating to review of and liability for certain health care treatment decisions.

Many Texans have experienced problems with getting their HMOs to approve or pay for health care treatment they believe they need. No one disagrees this is a problem; the question is how to best address it. I have strongly supported the concept of a swift and independent review of HMO decisions as the best approach to get patients the medical treatment they need. When it comes to their health, I believe most people would rather get treatment quickly instead of waiting for something bad to happen to warrant a lawsuit.

SB 386 includes an independent review process, yet also allows HMOs to be sued for medical decisions. As I have consistently said, I have concerns about opening the door to new tort actions. Given the choice between doing nothing and doing something to address a significant problem that impacts the health of thousands of Texans, I have concluded the potential for good outweighs the potential for harm in **SB 386**.

My concern about creating new grounds for filing a lawsuit has been alleviated somewhat by the creation of an independent review panel and by the bill's protections against frivolous lawsuits, although the protections could have been stronger.

I hope this legislation will encourage Texans who have concerns about HMO decisions to seek an independent review of those decisions so they may get the health care treatment they need before the situation warrants a lawsuit. I also believe this legislation will send a signal that HMOs must be more sensitive and responsive to the health care concerns of their customers.

I am concerned that this legislation has the potential to drive up health care costs and increase the number of lawsuits against doctors and other health care providers. I hope my concerns are proven wrong. In deciding to allow the bill to become law, I have taken into account the strong support of the medical community and overwhelming approval from members of both Houses of the Texas Legislature.

The lack of my signature on the legislation signals the need to carefully monitor its effects to make sure that the benefits do in fact outweigh any unintended consequences.

For the foregoing reasons, I am filing this bill and allowing it to become law without my signature.

Respectfully submitted,

/s/ Governor George W. Bush
May 22, 1997

SIGNED BY GOVERNOR

May 23, 1997

SB 63, SB 126, SB 191, SB 330, SB 372, SB 452, SB 515, SB 526, SB 611, SB 614, SB 652, SB 715, SB 754, SB 884, SB 887, SB 900, SB 908, SB 927, SB 952, SB 1012, SB 1044, SB 1113, SB 1125, SB 1174, SB 1422, SB 1490, SB 1826, SCR 82, SCR 87, SCR 101

May 26, 1997

SB 26, SB 174, SB 203, SB 297, SB 367, SB 788, SB 802, SB 863, SB 911, SB 973, SB 992, SB 996, SB 1131, SB 1158, SB 1243, SB 1301, SB 1394, SB 1455, SB 1465, SB 1696, SB 1750, SB 1782, SB 1829, SB 1830, SB 1851, SB 1904, SCR 14, SCR 42, SCR 55, SCR 69

May 27, 1997

SB 67, SB 145, SB 264, SB 358, SB 417, SB 459, SB 478, SB 514, SB 600, SB 623, SB 728, SB 771, SB 786, SB 939, SB 1014, SB 1016, SB 1033, SB 1108, SB 1127, SB 1202, SB 1233, SB 1268, SB 1269, SB 1295, SB 1352, SB 1388, SB 1519, SB 1722, SB 1736, SB 1828, SB 1903, SB 1924, SCR 99

May 30, 1997

SB 66, SB 96, SB 113, SB 208, SB 262, SB 320, SB 412, SB 557, SB 566, SB 605, SB 663, SB 682, SB 703, SB 725, SB 735, SB 770, SB 820, SB 874, SB 925, SB 970, SB 975, SB 993, SB 1057, SB 1165, SB 1177, SB 1273,

SB 1290, SB 1304, SB 1333, SB 1334, SB 1380, SB 1385, SB 1403, SB 1506, SB 1544, SB 1574, SB 1609, SB 1631, SB 1656, SB 1661, SB 1756, SB 1849, SB 1878, SB 1906

May 31, 1997

SB 85, SB 94, SB 199, SB 483, SB 500, SB 620, SB 781, SB 881, SB 909, SB 1227, SB 1600, SB 1601, SB 1639, SB 1814, SCR 105

SENT TO SECRETARY OF STATE

June 2, 1997

SJR 33

SENT TO GOVERNOR

June 2, 1997

SB 24, SB 34, SB 55, SB 102, SB 115, SB 185, SB 211, SB 241, SB 258, SB 324, SB 349, SB 472, SB 527, SB 548, SB 633, SB 656, SB 665, SB 701, SB 756, SB 877, SB 1063, SB 1069, SB 1102, SB 1232, SB 1240, SB 1247, SB 1263, SB 1276, SB 1384, SB 1438, SB 1581, SB 1653, SB 1766, SB 1810, SB 1937, SB 1955, SCR 51, SCR 77, SCR 102, SCR 104

SENT TO COMPTROLLER

June 3, 1997

SB 1898

SENT TO GOVERNOR

June 3, 1997

SB 99, SB 273, SB 294, SB 332, SB 352, SB 434, SB 497, SB 520, SB 586, SB 645, SB 1001, SB 1153, SB 1209, SB 1512, SB 1582, SB 1942, SB 1943, SB 1949, SB 17, SB 121, SB 361, SB 381, SB 521, SB 534, SB 542, SB 581, SB 583, SB 609, SB 642, SB 823, SB 839, SB 897, SB 987, SB 1066, SB 1114, SB 1161, SB 1176, SB 1190, SB 1249, SB 1292, SB 1678, SB 1715, SB 1752, SB 1831, SB 1910, SCR 29, SCR 44, SCR 75, SCR 106, SCR 107, SCR 108

SIGNED BY GOVERNOR

June 3, 1997

SCR 57

SENT TO SECRETARY OF STATE

June 4, 1997

SJR 43

SENT TO GOVERNOR

June 4, 1997

SB 20, SB 51, SB 148, SB 149, SB 190, SB 206, SB 299, SB 353, SB 576, SB 861, SB 1107, SB 1310, SB 1355, SB 1437, SB 1674, SB 1865, SB 1876, SCR 94, SB 133, SB 360, SB 370, SB 371, SB 382, SB 384, SB 517, SB 841, SB 1253, SB 1284, SB 1395, SB 1419, SB 1440, SB 1486, SB 1563, SB 1856, SB 1873, SB 1898, SB 35, SB 247, SB 343, SB 359, SB 1098, SB 1311,

SCR 3, SB 1, SB 30, SB 228, SB 383, SB 385, SB 414, SB 700, SB 862, SB 875, SB 932, SB 1100, SB 1120, SB 1425, SB 1539, SB 1907, SCR 71, SCR 93, SCR 112, SCR 113, SCR 115, SCR 116

SIGNED BY GOVERNOR

June 9, 1997

SB 758

June 11, 1997

SB 10, SB 11, SB 34, SB 52, SB 58, SB 181, SB 224, SB 331, SB 365, SB 426, SB 467, SB 531, SB 550, SB 637, SB 660, SB 693, SB 712, SB 1028, SB 1040, SB 1081, SB 1163, SB 1175, SB 1368, SB 1391, SB 1479, SB 1517, SB 1623, SB 1630, SB 1765, SB 1811

June 12, 1997

SCR 44

June 13, 1997

SB 46, SB 51, SB 381, SB 875, SB 1232

June 16, 1997

SB 55, SB 606, SB 12, SB 15, SB 16, SB 18, SB 48, SB 57, SB 60, SB 172, SB 213, SB 397, SB 551, SB 612, SB 899, SB 913, SB 961, SB 1017, SB 1164, SB 1248, SB 1297, SB 1316, SB 1406, SB 1460, SB 1478, SB 1534, SB 1546, SB 1579, SB 1594, SB 1622, SB 1702, SB 1805, SB 1827, SB 1835, SB 1925, SB 1938, SCR 109, SCR 110, SCR 113, SCR 115, SCR 116

June 18, 1997

SB 81, SB 89, SB 168, SB 197, SB 395, SB 910, SB 1262, SB 1739, SB 1793, SB 1930, SB 29, SB 54, SB 118, SB 141, SB 187, SB 188, SB 205, SB 227, SB 253, SB 274, SB 280, SB 298, SB 305, SB 318, SB 329, SB 337, SB 461, SB 487, SB 489, SB 505, SB 582, SB 617, SB 674, SB 694, SB 711, SB 780, SB 798, SB 1050, SB 1106, SB 1241, SB 1246, SB 1498, SB 1529, SB 1578, SB 1607, SB 1651, SB 1824, SB 1838, SB 1893, SB 1911, SB 1912, SB 1914, SB 1936, SCR 88, SCR 89, SCR 91, SCR 93, SCR 94, SCR 97, SCR 98, SCR 102, SCR 104, SCR 106, SCR 107, SCR 108, SCR 112

June 19, 1997

SB 78, SB 79, SB 1, SB 17, SB 24, SB 35, SB 121, SB 133, SB 148, SB 149, SB 241, SB 247, SB 343, SB 353, SB 359, SB 382, SB 383, SB 384, SB 385, SB 434, SB 472, SB 517, SB 534, SB 542, SB 576, SB 586, SB 633, SB 645, SB 665, SB 700, SB 839, SB 841, SB 862, SB 932, SB 987, SB 1001, SB 1063, SB 1066, SB 1098, SB 1100, SB 1102, SB 1107, SB 1114, SB 1120, SB 1153, SB 1161, SB 1176, SB 1284, SB 1310, SB 1311, SB 1412, SB 1437, SB 1440, SB 1486, SB 1512, SB 1539, SB 1563, SB 1576, SB 1582, SB 1715, SB 1831, SB 1856, SB 1865, SB 1873, SB 1876, SB 1907, SB 1910, SB 1942, SB 1943, SB 1955

June 20, 1997

SB 30, SB 73, SB 95, SB 99, SB 102, SB 167, SB 190, SB 206, SB 228, SB 265, SB 266, SB 271, SB 294, SB 310, SB 332, SB 352, SB 360, SB 361, SB 370, SB 371, SB 497, SB 520, SB 521, SB 572, SB 577, SB 581, SB 583, SB 609, SB 642, SB 644, SB 681, SB 759, SB 861, SB 897, SB 1069, SB 1137, SB 1190, SB 1209, SB 1247, SB 1249, SB 1253, SB 1276, SB 1286, SB 1292, SB 1395, SB 1419, SB 1425, SB 1450, SB 1453, SB 1581, SB 1591, SB 1674, SB 1678, SB 1752, SB 1766, SB 1787, SB 1810, SB 1898, SB 1899, SB 1929, SB 1937, SB 1949, SB 23, SB 61, SB 68, SB 84, SB 115, SB 135, SB 143, SB 160, SB 162, SB 185, SB 258, SB 291, SB 322, SB 324, SB 325, SB 333, SB 344, SB 349, SB 443, SB 453, SB 455, SB 474, SB 485, SB 495, SB 502, SB 506, SB 527, SB 548, SB 607, SB 631, SB 636, SB 656, SB 670, SB 672, SB 701, SB 745, SB 756, SB 877, SB 882, SB 921, SB 938, SB 972, SB 1036, SB 1221, SB 1263, SB 1291, SB 1309, SB 1354, SB 1384, SB 1387, SB 1417, SB 1438, SB 1447, SB 1469, SB 1499, SB 1566, SB 1568, SB 1596, SB 1624, SB 1653, SB 1728, SB 1852, SB 1857, SB 1888, SB 1918, SB 1919, SB 1956, SCR 3, SCR 29, SCR 34, SCR 51, SCR 71, SCR 77

VETOED BY GOVERNOR

The following bills and resolution were vetoed by the Governor. The proclamations stating the reasons for these vetoes follow.

SB 20, SB 211, SB 273, SB 299, SB 414, SB 436, SB 462, SB 823, SB 937, SB 1041, SB 1240, SB 1355, SB 1514, SB 1610, SB 1676, SB 1877, SB 1913, SCR 75

PROCLAMATIONS BY THE GOVERNOR

The following Proclamations by the Governor were read and were filed with the Secretary of the Senate:

P R O C L A M A T I O N

BY THE

GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto **SB 20** because of the following objections:

Senate Bill 20 contradicts the Texas Constitution which allows the Governor to fill vacancies in newly created courts. Thirteen of the 15 new courts which are created in this Bill would be created in 1999, and they can be created by the 1999 Legislature in a way that conforms with the Constitution.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

/s/George W. Bush
Governor of Texas

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto **SB 211** because of the following objections:

Senate Bill 211 would stifle competition and hamstring local workforce development boards in contracting for child care management services. This Bill protects the status quo at the expense of local choice and competition. We want to maximize access to quality child care in Texas and system management changes should be encouraged rather than restricted. The best intent of this Bill, to maximize federal matching money for child care services, can be achieved through administrative action by the commissioners for the Texas Workforce Commission and the Texas Health and Human Services Commission, which I will request.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

/s/George W. Bush
Governor of Texas

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto **SB 273** because of the following objection:

This Bill is a good idea which should be implemented within the existing authority of the health and human services agencies, including the Texas Department on Aging and the Texas Department of Human Services.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

/s/George W. Bush
Governor of Texas

P R O C L A M A T I O N
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto **SB 299** because of the following objections:

Senate Bill 299 is unnecessary. The objectives of the Bill have been better addressed by Senate Bill 1253, signed into law earlier this session.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

/s/George W. Bush
Governor of Texas

P R O C L A M A T I O N
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto **SB 414** because of the following objections:

Senate Bill 414 contains several provisions that would permit a physician to deny life-sustaining procedures to a patient who desires them. Additionally, the Bill eliminates the objective negligence standard for reviewing whether a physician properly discontinued the use of life-sustaining procedures and replaces it with a subjective "good faith" standard. While this Bill contains a number of commendable measures that would streamline Texas' law on advanced directives, these benefits are outweighed by the Bill's potentially dangerous defects.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

/s/George W. Bush
Governor of Texas

P R O C L A M A T I O N
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto **SB 436** because of the following objections:

Senate Bill 436 creates new, excessive fees for filing of any public document such as marriage licenses and land titles. This legislation allows county clerks to add a \$10.00 records archive fee, over and above the current fees, to the cost of recording a document. Counties that want to improve their records management can make that a priority in their local budgets.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

/s/George W. Bush
Governor of Texas

PROCLAMATION
BY THE

GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto **SB 462** because of the following objections:

Senate Bill 462 duplicates the intent of Senate Bill 247 to allow a child of divorced parents to attend a school in the school district where either parent resides. The other bill, Senate Bill 247, is preferable because this legislation uses the term "joint custody" which is not recognized under Texas law.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

/s/George W. Bush
Governor of Texas

PROCLAMATION
BY THE

GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto **SB 823** because of the following objections:

Senate Bill 823 mandates that certain municipalities provide payroll deductions for union dues. Employees who wish to join a union and pay dues have every right to do so on their own. This legislation is unnecessary, is contrary to the principles of the right to work, and is contrary to the concept of local control.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

/s/George W. Bush
Governor of Texas

P R O C L A M A T I O N
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto **SB 937** because of the following objections:

Senate Bill 937 recreates the Texas Advisory Commission on Intergovernmental Relations, an advisory commission which was abolished during the last session of the Legislature and is unnecessary.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

/s/George W. Bush
Governor of Texas

P R O C L A M A T I O N
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto **SB 1041** because of the following objections:

Senate Bill 1041 creates a new task force in the Texas Department of Commerce whose function would duplicate certain provisions of Senate Bill 932 relating to international trade issues. The creation of a new task force by law is unnecessary.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

/s/George W. Bush
Governor of Texas

P R O C L A M A T I O N
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto **SB 1240** because of the following objections:

This Bill is contrary to good public policy by mandating that state agencies, "including agencies that are not health and human service

agencies," be subject to purchasing rules adopted by the Health and Human Services Commission. The officers who preside over state agencies are best able to determine and adopt the rules for purchasing of services for their agencies. The Health and Human Services Commission has no special expertise in purchasing.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

/s/George W. Bush
Governor of Texas

PROCLAMATION

BY THE

GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto **SB 1355** because of the following objections:

Senate Bill 1355 poses a major public health threat by prohibiting state and local health authorities from requiring food service personnel to avoid bare-hand contact with exposed food. This poses the threat of serious viral and bacterial contamination of food, and would prevent public health officials from responding to a crisis such as a Hepatitis A outbreak, which has occurred in neighboring states. The Bill contains numerous worthwhile provisions. The vast majority are already being implemented, are implemented under other legislation from this session or can be implemented under existing statutory authority.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

/s/George W. Bush
Governor of Texas

PROCLAMATION

BY THE

GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto **SB 1514** because of the following objections:

Senate Bill 1514 is unnecessary because it duplicates activities already underway. A colonia working group including representatives of the agencies listed in this Bill is already meeting

and has issued three reports to date. There is no need to create yet another duplicative committee.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

/s/George W. Bush
Governor of Texas

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto **SB 1610** because of the following objection:

Senate Bill 1610 permits the release of inmates from the custody of the Texas Department of Criminal Justice before their parole or mandatory release dates.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 31st day of May, 1997.

/s/George W. Bush
Governor of Texas

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto **SB 1676** because of the following objections:

Senate Bill 1676 increases the membership and terms of office for the Crime Stoppers Advisory Council, which functions solely as an advisory board to the Office of the Governor. The additional costs to taxpayers of new members to the Council are unnecessary.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

/s/George W. Bush
Governor of Texas

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto **SB 1877** because of the following objections:

Senate Bill 1877 proposes using taxpayer dollars to fund private community investment programs that make loans to businesses that cannot qualify for conventional bank loans. This program was not funded by the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

/s/George W. Bush
Governor of Texas

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto **SB 1913** because of the following objections:

After conferring with the Commissioner of Insurance, I am vetoing Senate Bill 1913 because this bill may permit the unregulated sale of insurance, including fire, theft and other casualties normally covered by property and casualty insurance.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 21st day of May, 1997.

/s/George W. Bush
Governor of Texas

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 15, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto **SCR 75** because of the following objections:

Senate Concurrent Resolution 75 undermines the authority of the Higher Education Coordinating Board by creating a special

commission to study higher education needs in southern Dallas and adjacent counties. The Higher Education Coordinating Board is already charged with studying and balancing the higher education needs of the entire state. A special, area-specific commission is not necessary.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

/s/George W. Bush
Governor of Texas

**In Memory
of
Loring Terrill Cook**

Senator Lucio offered the following resolution:

(Senate Resolution 1001)

WHEREAS, Members of the Texas Senate join the citizens of McAllen and people throughout the Rio Grande Valley in mourning the loss of Loring Terrill Cook, beloved civic leader and philanthropist, who died May 19, 1997, at the age of 93; and

WHEREAS, She will be remembered with affection for her love for her family and her city, as well as for her notable contributions to the community all through her long and active life; and

WHEREAS, Mrs. Cook was a native of Natchitoches, Louisiana, and moved to McAllen in 1928; she was a member of the First Presbyterian Church, where she sang in the choir for 50 years; and

WHEREAS, The wife of the late Vannie E. Cook, Sr., Mrs. Cook began her volunteer work during World War II with the American Red Cross, and for many decades she continued to benefit the citizens of the valley in countless ways; and

WHEREAS, When she lost her son, Vannie E. Cook, Jr., to cancer in 1988, Loring became deeply involved in the Vannie E. Cook, Jr. Cancer Foundation; she also supported the Loring Cook Foundation, an organization that supports local education projects; and

WHEREAS, Loring Cook was a source of inspiration to those around her with her positive attitude and generosity; kind and compassionate, she took a great interest in helping others; and

WHEREAS, A lady of intelligence and wit, Loring Cook was admired and cherished by her family and friends who shared many wonderful experiences with her; she will be deeply missed by all who were privileged to know this remarkable individual; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby extend sincere condolences to the family of Loring Terrill Cook; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of her family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Loring Terrill Cook.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Lucio and by unanimous consent, the resolution was adopted by a rising vote of the Senate.